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ACTS AND RESOLVES

OF

MASSACHUSETTS.

1784-85.

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ACTS
AND
LAWS
OF THE
COMMONWEALTH
OF
MASSACHUSETTS.

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ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS:
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE TWENTY-SIXTH DAY
OF MAY, ANNO DOMINI, 1784.

1784. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR THE APPOINTING AND EMPOWERING COMMISSIONERS, ON THE PART OF THIS COMMONWEALTH, IN CONJUNCTION WITH SUCH AS ARE OR MAY BE APPOINTED BY THE STATE OF NEW YORK, TO ASCERTAIN THE BOUNDARY LINE BETWEEN THE COMMONWEALTH AND STATE AFORESAID, EASTWARD OF HUDSON'S RIVER. Chap. 1

Whereas in the year one thousand seven hundred and seventy-three, a boundary line on the eastern extremity of the late Province, now State of New York, and extending from the southern to the northern boundary of the late Province, now Commonwealth of Massachusetts, was mutually agreed upon by Commissioners appointed and authorized for the said purpose, by the legislatures of the said Provinces respectively: And whereas it appears that the said line has never been ascertained pursuant to the said agreement: Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That Joseph Hawley, Caleb Strong, Timothy Edwards, and Theodore Sedgwick, Esquires, be, and they hereby are appointed Commissioners on the part of this Commonwealth, for the ascertaining the line aforesaid; and the said Commissioners, or any three of them, are hereby authorized and empowered to meet such Com- Commissioners appointed.

missioners as are or may be appointed, and vested with similar powers for the above purpose by the legislature of *New York*, and in conjunction with them to ascertain, run, and mark the said boundary line; which line, when so ascertained, shall forever afterwards be held and considered to be the true and just boundary line of jurisdiction between that part of this Commonwealth and the State aforesaid.

Their powers.

And it is further enacted, by the authority aforesaid, That the Commissioners aforesaid on the part of this Commonwealth, or any three of them, are authorized and empowered to employ a surveyor or surveyors, and a sufficient number of chainbearers, to ascertain the said line as aforesaid; and in conjunction with such Commissioners as are or may be appointed by the legislature of *New York* as aforesaid, to agree upon and confirm the titles of individuals to such lands as they may now respectively hold, in virtue of any grant or grants made by either of the said governments, upon such terms and in such manner as they may judge reasonable.

To be commissioned by the Governor.

And it is further enacted, by the authority aforesaid, That the Commissioners aforesaid on the part of this Commonwealth, shall, prior to their proceeding on the business herein assigned them, receive a commission from the Governor with the seal of the Commonwealth thereto affixed, agreeable to the powers with which they are vested in and by this act.

Former act repealed.

And be it further enacted by the authority aforesaid, That an act passed by the Legislature of this Commonwealth, on the eighteenth day of *March* last, bearing the same title with this act, be, and hereby is repealed and rendered null and void.

June 4, 1784.

1784. — Chapter 2.

[May Session, ch. 2.]

Chap. 2

AN ACT FOR THE DISTRIBUTION OF INSOLVENT ESTATES.

Insolvent estates, how to be distributed.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That when the estate of any person deceased shall be insolvent or insufficient to pay all just debts which the deceased owed, the same shall be distributed to and among all the creditors, in proportion to the sums to them

respectively due and owing, saving that debts due for all rates and taxes, and debts due to the Commonwealth, and for the last sickness and necessary funeral expences of the deceased are to be first paid. And the executor or administrator appointed to any such insolvent estate before payment to any be made (except as aforesaid) shall represent the condition and circumstances thereof unto the Judge of Probate. And the said Judge shall nominate and appoint two or more fit persons to be commissioners, with full power to receive and examine all claims of the several creditors; and such commissioners shall cause the times and places of their meeting, to attend the creditors for receiving and examining their claims, to be made known by causing notifications thereof to be posted up in some public place, in the shire town of the county where such deceased person last dwelt, and of the two next counties, or by causing an advertisement thereof to be printed in such public newspaper or papers as the Judge of Probate shall direct; and six months and such further time not exceeding eighteen months, (as the circumstances of any estate may require) shall be allowed by the said judge to the creditors for bringing in and proving their claims; at the end of which limited time, such commissioners shall make their report, and present upon oath a list of all the claims that shall have been laid before them, with the sums they shall allow on each claim unto the said Judge; and the Judge shall order them meet recompence out of the deceased's estate for their care and labor in examining the claims; and the debts due for all rates and taxes, and debts due to the Commonwealth, debts incurred for the last sickness of the deceased, and necessary funeral expences as afore provided, being first deducted, shall order the residue and remainder of the estate both real and personal, (the real estate being sold according to law) to be paid and distributed to and among the creditors who shall have made out their claims with the commissioners as aforesaid, in proportion to the sums unto them respectively due and owing, saving unto the widow (if any be) her right of dower in the housing and lands of the deceased, which dower (unless the reversion shall be sold by the executor or administrator, and distributed with the other estate which the Judge may order if he see fit, upon application therefor) at the expiration of her term, shall also be distributed among the creditors aforesaid in like

Judge of Probate to appoint Commissioners.

Proviso.

proportion. *Provided*, That notwithstanding the report of any commissioners, any creditor whose claim is wholly or in part rejected, may have the same determined at the common law, in case he shall give notice thereof in writing at the Probate office within twenty days after such report shall be made, and bring and prosecute his action as soon as may be; and in case the executor or administrator shall be dissatisfied with any creditor's claim allowed by the commissioners, and shall give notice thereof at the Probate office, and also to the creditor, within twenty days as aforesaid, such claim shall by the Judge of Probate be struck out of the commissioners report, unless such creditors shall commence and prosecute at the common law his claim as aforesaid as speedily as the same can be done, or unless the creditor and the executor or administrator shall agree before the Judge to submit the same to reference; in which case the determination of the referees shall be final; and when a claim shall be disputed in the course of the common law as aforesaid, execution shall not issue as in common cases, but the judgment of the Court respecting the same, shall be the amount of the claim, and added to or deducted from the commissioners report, as the case may require. And no action brought against any executor or administrator after the estate shall be represented insolvent, shall be sustained, except for debts due to the Commonwealth, debts due for all rates or taxes, for the deceased's last sickness and funeral charges, unless the executor or administrator having objection to the claim upon which such action shall be brought, shall consent to have the same settled by course of law, in which case the judgment of the Court shall determine the said claim, and be reported by the commissioners as such. And all actions brought against any executor or administrator before the estate is represented insolvent, shall be continued until it shall appear whether the said estate is insolvent or not, and if found insolvent, the process shall be conducted as above provided. And if any creditor shall not make out his claim with the commissioners within the time of their commission, or at the common law, or before referees, in the manner this act provides, he shall be forever barred of his debt; unless such creditor shall find some other estate of the deceased, not inventoried or accounted for by the executor or administrator before distribution.

No action to be sustained, except for debts due to the Commonwealth.

June 15, 1784.

1784. — Chapter 3.

[May Session, ch. 3.]

AN ACT FOR ENABLING THE FIRST PRECINCT BELONGING TO, *Chap. 3*
AND LYING WITHIN THE TOWN OF CAMBRIDGE, TO RAISE
MONEY FOR DISCHARGING THE DEBTS INCURRED IN CARRY-
ING ON THE LATE WAR, AND FOR CONFIRMING THE GRANTS
AND ASSESSMENTS THAT HAVE BEEN ALREADY MADE FOR
THAT PURPOSE.

Whereas doubts have arisen whether the laws of this *Preamble.*
State will fully authorize the assessors of the first precinct
in Cambridge to assess upon the inhabitants any sum or
sums of money that have been expended in carrying on the
late war, especially that part of the parish only as belong
to the town of Cambridge :

Be it therefore enacted by the Senate and House of
Representatives, in General Court assembled, and by the
authority of the same, That when the first precinct of the
town of *Cambridge*, being and lying within the same, at
any legal meeting of the inhabitants, shall vote any sum
or sums of money for the purpose of discharging the debts
already contracted in consequence of the late war, the
assessors of the aforesaid precinct or parish, or such other
person or persons as they have or may appoint for that
purpose, shall have full power and authority to apportion
or assess such sum or sums of money upon the inhabitants
thereof, according to the rules and methods prescribed by
law for apportioning the State tax, and shall have full
power and authority to grant warrants for collecting the
same, in like manner as the law directs for gathering town
and other parish rates or assessments. *Money voted,
how to be
assessed, &c.*

And be it further enacted by the authority aforesaid,
That all grants and assessments that have been made in
time past, or that may hereafter be voted and assessed in
the first precinct or parish in *Cambridge* aforesaid, in man-
ner and for the purpose aforesaid, be, and hereby are
ratified and confirmed, and the collector or collectors of
the said parish are hereby directed and required to execute
all such warrants in the same manner as they are by law
obliged to execute warrants for collecting town or other
parish rates or assessments. *Former grants
and assess-
ments, ratified.*

June 21, 1784.

1784.—Chapter 4.

[May Session, ch. 4.]

Chap. 4 AN ACT REGULATING THE APPOINTMENT AND SERVICES OF GRAND JURORS.

Clerk of the Supreme Judicial Court to issue his warrant to the constables 30 days before the sitting of the Court.

Constables to summon the persons chosen.

Grand Jury to be sworn.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That thirty days at the least before the sitting of the Supreme Judicial Court in each county within this Commonwealth, the clerk of the same Court shall issue his warrants, directed to the constables of the several towns within the county or counties for which the said Court is to be holden, or to so many of the said towns as the Court shall order, requiring the constables respectively, to assemble the freeholders and other inhabitants in the said towns, qualified by law to vote in the choice of representatives, to elect and choose by ballot, so many good and lawful men of their town, of like qualification, and of good moral character, as such warrant shall direct, to serve on the Grand Jury at the same Court; and the constables shall summon the persons so chosen, four days at the least before the sitting of the Court, to attend accordingly at the day and place where the Court is to be holden, and to appear at ten of the clock in the forenoon upon the same day; and the constables shall make timely return of the warrants, with their doings therein, to the same Court. And when the Court is opened, the Grand Jury shall be impanelled and sworn as follows:

FOREMAN'S OATH.

Foreman's oath.

“You solemnly swear, that as foreman of this inquest for the body of this county of *S.* you shall diligently inquire, and a true presentment make of all such matters and things as shall be given you in charge; the Commonwealth's counsel, your fellows and your own, you shall keep secret; you shall present no man for envy, hatred, or malice; neither shall you leave any man unrepresented, for love, fear, favor, affection, or hope of reward; but you shall present things truly as they come to your knowledge, according to the best of your understanding.” “*So help you GOD.*”

THE OTHER JURORS OATH.

“The same oath which your Foreman hath taken on his part, you, and each of you, on your behalf, shall well and truly observe and keep.” “*So help you GOD.*”

The other Jurors oath.

And if any constable shall neglect to assemble the inhabitants of his town, qualified as aforesaid, when he shall have received such warrant, or shall neglect to summon the persons chosen in pursuance thereof, or shall not make due return of the same, with his doings therein, he shall pay such fine as the Court in their discretion shall impose, not exceeding the sum of twenty pounds. And if any town being duly notified as above provided, shall neglect to choose as many good and lawful men able to attend, as are directed in and by such warrant, such town shall be amerced in such sum as the Court shall order, not exceeding the sum of forty pounds. And if any person chosen and notified to attend as aforesaid, shall unnecessarily fail of attending, he shall (if he is an inhabitant of *Boston, Salem, or Newburyport*) pay a fine of five pounds, and otherwise a fine of forty shillings, to be divided equally amongst the Grand Jurors who shall attend their duty at the same Court.

Constables neglecting their duty.

Penalty.

Towns neglecting to choose men, to be amerced by the Court.

Persons chosen failing to attend.

Penalty.

And it is further enacted by the authority aforesaid, That the clerk of the Court of General Sessions of the Peace, shall forty days at the least before the first day of *March* annually, make out his warrant to the constables of the several towns in the county, or to so many of them as the Court shall order, requiring them severally, to assemble the freeholders and inhabitants of their respective towns, qualified to vote for a representative, to choose by ballot, one or more good and lawful man or men in each town, as the Court shall direct, of like qualification, and of good moral character, to appear at the Court of General Sessions of the Peace, to be holden within the said county, next after the first day of *March*, and there to serve on the Grand Jury at every Court of General Sessions of the Peace throughout the whole year, and until another Grand Jury shall be chosen, impanelled, and sworn in their room, and the constables shall notify the persons so chosen four days before the sitting of the Court. And it shall be the business of such Grand Jury to present all crimes, offences and breaches of law

Clerk of the Court of General Sessions of the Peace to issue his warrant to the constables, 40 days before the first of *March*, annually.

Constables to notify the persons chosen.

Grand Jury to have the same oath administered to them, as those serving at the Supreme Judicial Court.

cognizable by the said Court, and they shall have the same oath administered to them, as is in and by this act provided for the Grand Jury serving at the Supreme Judicial Court.

Penalties for neglect in constables, towns, or persons chosen to serve as Grand Jurors.

And if any constable shall neglect to assemble the inhabitants of his town, when he shall have received such warrant, or shall neglect to summon such person as shall be chosen in pursuance of such warrant, or shall not make a timely return of the same, with his doings therein, he shall pay such fine as the Court shall order, not exceeding the sum of ten pounds. And if any town shall, after being duly notified, neglect to choose such Grand Juror or Grand Jurors, such town shall be amerced to the use of the county, in a sum not exceeding twenty pounds, at the discretion of the Court. And if any person chosen and summoned to attend as aforesaid, shall unnecessarily fail of attending at the time and place appointed therefor, he shall (if he is an inhabitant of *Boston, Salem or Newburyport*) pay a fine of five pounds, otherwise a fine of forty shillings to be divided amongst the Grand Jurors who shall attend their duty.

June 21, 1784.

1784. — Chapter 5.

[May Session, ch. 5.]

Chap. 5

AN ACT FOR GRANTING A LOTTERY FOR THE PURPOSE OF WIDENING AND REPAIRING THE GREAT BRIDGE OVER CHARLES RIVER IN THE TOWN OF WATERTOWN.

Preamble.

Whereas it appears to this Court that it is necessary for public accommodation that an addition of twelve feet be made to the great bridge over Charles River, in Watertown, and the towns of Watertown, Weston, and Waltham have requested the benefit of a lottery to assist them in the expense of widening and repairing the said bridge:

Lottery granted.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be, and hereby is granted, a lottery for raising a sum not exceeding ten hundred pounds, the profits of which, after payment of the necessary expences of managing the same, shall be in

whole applied towards defraying the expences of widening and putting in compleat repair the same bridge.

Be it further enacted, That Messieurs *Amos Bond* and *Marshal Spring*, of *Watertown*, *Samuel Fisk* and *Isaac Jones*, of *Weston*, and *Jonas Dix* and *John Sanderson*, of *Waltham*, or any four of them, be, and hereby are appointed managers of the said lottery, whose business it shall be to concert and publish a scheme or schemes for the purpose of such lottery, and publish a correct list of all prizes which may be drawn in the said lottery, in some one of the *Boston* newspapers, within twenty days after drawing thereof shall be compleated, and shall pay to each possessor of a prize ticket therein, the full sum of such prize, within twenty days after such list is published, if demanded by the possessor of such ticket. And if it be not demanded within twelve months after drawing the said lottery, it shall be deemed as generously given for the purpose aforesaid, and applied accordingly.

Managers appointed.

Be it further enacted, That if any person shall forge, counterfeit or alter any lottery ticket issued by virtue of this act, or shall pass or utter any such forged, counterfeited or altered ticket, knowing the same to be false, forged, counterfeited or altered, or shall counsel, advise, or assist in forging, altering, or counterfeiting the same, every person so offending and being thereof convicted before the Supreme Judicial Court of this Commonwealth, shall be punished by being set on the gallows for the space of one hour, with a rope about his neck, or shall pay a fine, not exceeding one hundred pounds, to the use of this Commonwealth, or suffer not more than twelve months imprisonment, nor less than two, or be publicly whipped, not exceeding thirty-nine stripes, at the discretion of the said Supreme Judicial Court, according to the nature and circumstances of the offence. *Provided always*, That the said *Amos Bond*, *Marshal Spring*, *Samuel Fisk*, *Isaac Jones*, *Jonas Dix*, and *John Sanderson*, give security to the Treasurer of this Commonwealth, in the sum of two thousand pounds, to employ all the monies that shall be raised by the said lottery, in widening and repairing the said bridge. And to compleat the widening and repairing the said bridge in manner aforesaid, on or before the first day of *July*, one thousand seven hundred and eighty-five.

Penalty for forgery.

Managers to give security to the Treasurer.

June 22, 1784.

1784. — Chapter 6.

[May Session, ch. 6.]

Chap. 6 AN ACT FOR CONFIRMING A GRANT OF A CERTAIN TRACT OF LAND CALLED MACHIAS, IN THE COUNTY OF LINCOLN, AND FOR INCORPORATING THE SAID TRACT OF LAND AND THE INHABITANTS THEREOF, INTO A TOWN BY THE NAME OF MACHIAS.

Preamble.

Whereas a certain tract of land called Machias, in the county of Lincoln, was in April, one thousand seven hundred and seventy, granted by the General Court of the late Province of Massachusetts Bay, to Ichabod Jones, and seventy-nine others, his associates, their heirs and assigns, upon certain conditions in the said grant expressed, a plan of which tract, setting forth the extent and boundaries thereof, was in July, 1771, presented to, received and accepted by the said Court: And whereas the conditions in the said grant have been complied with to the satisfaction of this Court, and it is represented by the inhabitants of the said tract, that they are subject to many inconveniences in a state of unincorporation: Therefore,

Boundaries.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the before mentioned grant of the aforesaid tract of land, extending and bounded as follows, viz. beginning at a dry rock at a place called the Eastern Bay, near the house of Mr. Samuel Holmes, and extending north ten degrees, west ten miles; then west ten degrees, south eight miles; then south ten degrees, east ten miles; then east ten degrees, north eight miles, to the first mentioned bounds, is hereby ratified and confirmed unto the aforesaid Ichabod Jones, and his said associates, his and their heirs and assigns forever.

Machias incorporated.

And be it further enacted by the authority aforesaid, That the said tract of land extending and bounded as aforesaid, together with the inhabitants thereof, be, and hereby are incorporated into a town, by the name of Machias, with all the powers, privileges and immunities that towns in this Commonwealth have and enjoy, according to the laws and constitution of the same.

Proviso.

Provided nevertheless, That if it shall appear to the General Court that any settler on the aforesaid tract of land, other than a proprietor, has not had a reasonable quantity of the said tract of land assigned and confirmed

to him by the proprietors aforesaid ; this Legislature doth hereby reserve the right of assigning and confirming to such settler, a reasonable quantity thereof, upon application made for that purpose, within two years from the passing of this act ; any thing in the same to the contrary notwithstanding.

Provided also, That the several lots in the said tract of land, appropriated to the use of *Harvard College*, to the first ordained minister, to the use of the ministry, and to the use of the school, be truly reserved for those purposes. Proviso.

And it is further enacted, That *Stephen Jones*, Esq ; be, and he hereby is empowered, to issue his warrant to some principal inhabitant of the said town, requiring him to call a meeting of the inhabitants thereof for the purpose of choosing such officers as by law towns are empowered to choose in the month of *March*, annually. Stephen Jones, Esq., to call a meeting.

June 23, 1784.

1784. — Chapter 7.

[May Session, ch. 7.]

AN ACT FOR REGULATING THE CHOICE AND SERVICES OF PETIT JURORS. *Chap. 7*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the towns in this Commonwealth shall, until the first day of *January*, seventeen hundred and eighty-five, proceed in appointment of Jurors, as hath been heretofore practised in this Government, and that forever thereafter the clerks of the respective Courts in this Commonwealth, shall issue their *venire facias* for Jurors to serve at their respective Courts, from their offices thirty days at the least before the return day of the same, directed to the constables of each town in the county, or so many of them as the Court shall order, and the respective constables upon receipt thereof, shall notify the freeholders and inhabitants in their towns, qualified to vote in the election of Representatives, to assemble and be present at the appointment of the Jurors called for, and to be appointed in manner by this act provided. Towns to proceed in the appointment of Jurors, as heretofore practised.

And it is further enacted, That the selectmen of each town in this Commonwealth shall provide, and from time Clerks of the respective Courts to issue venire facias.
Jurors how to be chosen.

to time cause to be kept in their respective towns, two boxes, and shall once at least, in every three years, lay before their town a list of such persons in their respective towns as are of good moral character and qualified as the constitution directs, to vote in the choice of Representatives, and not exempted by this act, and such as the selectmen shall judge well qualified to serve as jurors, and the town shall select out of the list one quarter part of the number laid before them, and such as they shall judge best qualified to serve at the Supreme Judicial Court, and have their names written by the town clerk on separate pieces of paper and put into one of the boxes, to be liable to be drawn out as is herein hereafter directed, to serve on the Petit Jury, at the Supreme Judicial Court, and the town shall direct that such of the remainder of such list as the town shall think proper, shall have their names written on separate pieces of paper and put into the other box, to be drawn, as is herein hereafter directed, to serve on the Petit Jury at the Courts of Common Pleas and General Sessions of the Peace, and if any person whose name shall be put into either box, shall be convicted of any scandalous crime, or be guilty of any gross immorality, his name shall be withdrawn from the box by the selectmen of his town. *Provided nevertheless*, If he can obtain a vote of the town to have his name restored to the box again, it shall be restored, and such boxes shall be locked by the selectmen, and delivered to the town clerks.

Any person whose name shall be put into either box, being convicted of any scandalous crime, his name to be withdrawn.

Selectmen neglecting their duty.

Penalty.

And be it further enacted by the authority aforesaid, That if the selectmen of any or either of the towns of this Commonwealth, for the time being, shall neglect or refuse to prepare and lay before their respective towns a list of Jurors, as is required in and by this act, every selectman so neglecting his duty, shall forfeit and pay the sum of three pounds, for the use of the county in which he or they dwelt at the time of such neglect, to be recovered by action or information, brought by the Treasurer of such county, before any Court proper to try the same, provided that the action be brought within twelve months after the offence shall be committed.

Duty of town-clerk or selectmen, when any venire facias shall be issued.

And be it further enacted by the authority aforesaid, That when any *venire facias* shall be issued as by this act is provided, and the inhabitants of any town shall be assembled for that purpose, the town clerk, or in his

absence one of the selectmen, shall carry into the meeting the box wherein the names of those persons are put who are designed to serve at the Court from whence the *venire facias* issued, which shall be unlocked in the meeting by the major part of the selectmen, who are to be present (and the constable who shall warn the meeting shall particularly notify them and the town clerk for that purpose) and the town clerk, or in his absence one of the selectmen shall draw out so many tickets as there are Jurymen required by the *venire*, who shall be the persons that shall be returned to serve as Jurors; saving that if any whose names are so drawn, are sick, or otherwise unable to attend at that time, in the judgment of the town, their names shall be returned into the box and others be drawn in their stead; and to the intent that the same persons may not be obliged to serve too often, the clerk or selectmen who shall draw the ticket or name of any person returned to serve as aforesaid, shall enter upon the back thereof the date of the draft and return the same into the box again, and no person shall be obliged to serve as Juror oftener than once in three years.

And be it further enacted, That the meeting for the appointment of Petit Jurors shall be six days at the least before the day of the sitting of the Court, to which the *venire* is returnable, and the constables shall notify the persons thus appointed of the same, four days at the least before the sitting of the Court wherein they are to serve, either by reading the *venire*, and minute of the appointment thereon, to the person appointed, or by leaving at their usual abode, a written notification of their being drawn as aforesaid, and of the time and place of the Court's sitting, at which they are to attend. And when the selectmen shall at any time lay a list of the persons liable and capable to serve before their town, they shall carefully transfer from the back of each old ticket, the minute thereon made, to the new one whereon the same name is written, that it may be certainly known whether such persons shall have been drawn within three years.

The meeting for the appointment of Petit Jurors, to be six days before the sitting of the Court.

Provided always, That if any person shall be drawn and returned, and shall not appear, or appearing shall be excused by the Court, the minute on his ticket shall not excuse him from being returned again when he shall be drawn, although it shall happen within three years.

Proviso.

When there shall be a deficiency of Grand or Petit Jurors, Courts shall cause writs of *venire facias* to be issued.

When from challenges, &c. there shall not be a Jury to determine a cause, Sheriff or Coroner shall return Jurymen *de talibus circumstantibus*.

Penalty for neglect of duty in constables, selectmen, town clerks, or persons returned to serve on the Petit Jury.

Justices of the respective Courts, upon motion of either

And it is further enacted by the authority aforesaid, That when there shall upon any occasion be a deficiency either of Grand or Petit Jurors, by means whereof either the Supreme Judicial Court, or the Court of Common Pleas or General Sessions of the Peace, cannot proceed conveniently in the business of the county, the Courts shall cause writs of *venire facias* to be forthwith issued and directed to the constables of any town or towns in the county, for the appointment and return of so many good and lawful men to serve on either Jury at the said Court, as may be necessary, and the number required in such *venire* shall be appointed as the law directs, and notified to attend immediately. And when from challenges or otherwise, there shall not be a Jury to determine any civil or criminal cause, the Sheriff or his deputy shall by order of the Court where such defect of Jurors shall happen, return Jurymen *de talibus circumstantibus* sufficient to compleat the panel; and when the Sheriff or his deputy is interested or related, Jurors may be returned by the Coroner, or such other disinterested person as the Court shall appoint. *Provided, There be seven at the least of the Jurors returned by the venire.*

And it is further enacted, That if any Constable to whom such *venire facias* shall be directed and come, shall neglect to do his duty, either in assembling the town, notifying the selectmen and town clerk, or in notifying the Juror appointed, or in returning the *venire facias*, he shall pay such fine as the Court in their discretion shall order, not exceeding the sum of ten pounds; and if any selectman or town clerk shall, after due notification by the constable, neglect to attend and perform his duty herein prescribed, by means whereof the Jurors called for from his town shall not be returned, he shall forfeit and pay a fine at the discretion of the Court, not exceeding the sum of five pounds; and if any person appointed and returned to serve on the Petit Jury, shall unnecessarily fail of attending, he shall, if he is an inhabitant of *Boston, Salem, or Newburyport*, pay a fine of five pounds, and if an inhabitant of any other town, he shall pay a fine of forty shillings; which fines shall be equally divided amongst the Jurors who attend their duty.

And it is further enacted by the authority aforesaid, That the Justices of the respective Courts aforesaid, shall, upon motion from either party in suit, put any Juror

upon oath, whether he is any way related to either party, or hath directly or indirectly formed or given any opinion, or is sensible of any prejudice in the cause; and if it shall then appear to the Court that any Juror does not stand indifferent in the cause, he shall be set aside from the trial of that cause and another called in his stead. And the Sheriff of each county, as soon as he shall receive the *venire* for Jurors from the Clerk of either Court, shall forward them without any delay, to the constables of the several towns whereunto they are directed.

And it is further enacted, That in all causes relating to the realty, either party may have a Jury to view the place in question, if the Court shall be of opinion that such view is necessary to the justice of the trial. *Provided*, The party moving therefor shall advance such reasonable sum to the Jury as the Court shall order to be taxed against the adverse party, if he who advances the same shall prevail in the suit. *Provided*, That no settled Minister, Justice of the Peace qualified to act in his office, practising Attorney, Sheriff, Deputy Sheriff, Coroner, Constable, Warden, Register of a Court of Probate, Register of Deeds, Clerk of a common Law Court, physician, constant ferryman or miller, shall be liable to be put into the box.

In causes relating to the realty, either party may have a Jury to view the place in question.
Proviso.

Proviso.

June 26, 1784.

1784. — Chapter 8.

[May Session, ch. 8.]

AN ACT DIRECTING THE PROCEEDINGS AGAINST FORCIBLE ENTRY AND DETAINER. *Chap. 8*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That two Justices of the Peace, *quorum unus*, shall have authority to inquire by a jury, as is herein hereafter directed, as well against those who make unlawful and forcible entry into lands or tenements, and with a strong hand detain the same, as against those who having a lawful and peaceable entry into lands or tenements, unlawfully and by force hold the same; and if it be found upon such inquiry, that an unlawful and forcible entry hath been made, and that the same lands or tenements are held and detained with force and strong hand, or that the same after a lawful entry, are held unlawfully and with force and a strong hand, then that such Justices

Two Justices, *quorum unus*, to enquire into forcible entry, &c.

shall cause the party complaining to have restitution thereof.

Upon complaint made of forcible entry, to issue their warrants.

And be it further enacted, That when complaint shall be formally made in writing to any two Justices of the Peace, *quorum unus*, of any unlawful and forcible entry into any lands or tenements, and detainer as aforesaid, or of any unlawful and forcible detainer of the same after a peaceable entry, they shall make out their warrant under their hands and seal, directed to the sheriff of the same county, commanding him in the behalf of the Commonwealth, to cause to come before them twelve good and lawful men of the same county, each one of whom having freehold lands or tenements of the yearly value of forty shillings, and they shall be impanelled to inquire into the forcible entry or forcible detainer complained of, which warrant shall be in the form following, *viz.*

COMMONWEALTH OF *Massachusetts*.

[L. S.] S——, ss.

To the Sheriff of the county of S——,

GREETING.

Form.

Whereas complaint is made to us the subscribers, two of the Justices of the Peace for and within the county of S——, *quorum unus*, by A. B. of D in the same county, gentleman, that E. F. of —— yeoman, upon the day of at D—— aforesaid, with force and arms, and with a strong hand, did unlawfully and forcibly enter into and upon a tract of land of him the said A. B. in D—— aforesaid, containing acres, bounded as follows, *viz.* (or into the messuage or tenement of him the said A. B. as the case may be) and him the said A. B. with force and a strong hand as aforesaid, did expel and unlawfully put out of the possession of the same, [*Or if it is a forcible detainer only, then the entry shall be described and the detainer inserted as follows,*] and him the said A. B. does unlawfully, unjustly, and with a strong hand, deforce and still keep out of the possession of the same. You are therefore commanded, in behalf of the said Commonwealth, to cause to come before us upon the day of at in the said county, twelve good and lawful men of your county, each one of whom having a freehold of the yearly value of forty shillings, to be impanelled and sworn to enquire into the forcible

entry and detainer (or the detainer) afore described.
Given under our hands and seals the day of in the
year of our Lord,

R. S. } Justices of the Peace, *quorum unus.*
N. O. }

And the said Justices shall make out their summons to the party complained against, in form following, *viz.* Justices to make out their summons.

COMMONWEALTH OF *Massachusetts.*

[L. S.] *S—*, ss.

To the Sheriff of the county of S—,

GREETING.

We command you, that you summon *E. F.* of to Form.
appear before the subscribers, two of our Justices of the
Peace, within and for our said county of *S—*, *quorum*
unus, at a place called in *D—*, in the said county,
at o'clock in the noon; then and there to answer
to and defend against the complaint of *A. B.* to them
exhibited wherein he complains that [*Here the com-*
plaint shall be recited] and you are to make a return
of this writ with your doings therein unto our said Jus-
tices, upon or before the said day Witness our said
Justices, the day of in the year of our Lord,

R. S.
N. O.

Which summons shall be served upon the party com-
plained against, or a copy thereof left at his usual place
of abode, seven days exclusively before the day appointed
by the Justices for the trial; and if after the service of
such summons the party does not appear to defend, the
Justices shall proceed to the inquiry in the same manner
as if he was present; and when the Jury shall appear, the
Justices shall lay before the Jury the exhibited complaint;
and shall administer the following oath to them, *viz.* The party not appearing, the Justices to proceed.

FOREMAN'S OATH.

“You as foreman of this jury do solemnly swear, that Foreman's oath.
you will well and truly try whether the complaint of *A.*
B. now laid before you, is true according to your evidence.”
“*So help you GOD.*”

THE OTHER JURORS OATH.

The other
Jurors oath.

“The same oath which your foreman hath taken on his part, you and every of you shall well and truly observe and keep.” “*So help you GOD.*”

And if the Jury shall find the same true, then they shall return their verdict in form following :

Form of their
verdict.

At a Court of inquiry held before *R. S.* and *N. O.* Esquires, two of the Justices of the Peace, within and for the said county of *S*——, *quorum unus*, at *D.* in the said county of *S.* upon the day of in the year of our Lord, the Jury upon their oaths do find, that the lands or tenements in *D.* aforesaid, bounded (or described) as follows, as in the complaint upon the day of in the year of our Lord, was in the lawful and rightful possession of the said *A. B.* and that the said *E. F.* did upon the same day unlawfully with force and arms, and with a strong hand, enter forcibly upon the same, (or being lawfully upon the same, did unlawfully with force and a strong hand) expel and drive out the said *A. B.* and that he doth still continue wrongfully to detain the possession from him the said *A. B.* Wherefore the Jury find upon their oaths aforesaid, that the said *A. B.* ought to have restitution thereof without delay.

If the Jury shall
not be full, the
Sheriff to fill the
panel *de talibus*
circumstanti-
bus.

And if by accident or challenge there shall happen not to be a full Jury, the Sheriff shall fill the panel *de talibus circumstantibus*, as in other cases. And if the Jury after a full hearing of the cause, shall find the complaint laid before them supported by evidence, they shall all sign their verdict in form aforesaid, otherwise the defendant shall be allowed his legal cost, and have his execution therefor.

Judgment to be
entered up.

And it is further enacted, That if the Jury shall return their verdict, signed by the whole panel, that the complaint is supported, the Justices shall enter up judgment for the complainant to have restitution of the premises, and shall award their writ of restitution accordingly ; and no appeal shall be allowed from the judgment of the Justices.

Proceedings
may be removed
by certiorari.

Provided nevertheless, That the proceedings may be removed by *certiorari* into the Supreme Judicial Court

holden in such county, and be there quashed for irregularity, if any such there may be, nor shall such judgment be a bar to any after action brought by either party. Which writ of restitution shall be in form following,

COMMONWEALTH OF *Massachusetts*.

[L. S.] *S*——, ss.

To the Sheriff of our county of S——,

GREETING.

Whereas at a Court of inquiry of forcible entry and detainer, held at *D.* in our county of *S.* upon the day of in the year of our Lord, before *R. S.* and *N. O.* Esquires, two Justices of the Peace for our said county of *S.*, *quorum unus*, the Jurors impanelled and sworn by our said Justices, did return their verdict in writing, signed by each of them, that *A. B.* was upon the day of in the rightful possession of a certain messuage or tract of land, (as in the verdict returned) and that, &c. (as in the verdict) whereupon it was considered by our said Justices, that the said *A. B.* should have restitution of the same. We therefore command you, that taking with you the force of the county if necessary, you cause the said *E. F.* to be forthwith removed from the premises, and the said *A. B.* to have the peaceable restitution of the same; and also that you levy of the goods, chattels, or lands of the said *E. F.* the sum of being costs taxed against him on the trial aforesaid, together with one shilling and four pence more for this writ and your own fees, and for want of such goods, chattels or lands, of the said *E. F.* by you found, you are commanded to take the body of the said *E. F.* and him commit to our gaol, in *L.* in our said county of *S.* there to remain until he shall pay the sum aforesaid, together with all fees arising on the service of this writ, or until he is delivered by order of law, and make return of this writ with your doings therein, within twenty days next coming. Witness our said Justices, at *D.* aforesaid, the day of in the year of our Lord,

Form of the writ.

R. S.
N. O.

Provided nevertheless, That this act shall not extend unto any person who hath had the occupation or been in Proviso.

the quiet possession of any lands or tenements by the space of three whole years together, next before, and whose estate therein is not ended or determined.

June 30, 1784.

1784. — Chapter 9.

[May Session, ch. 9.]

AN ACT AGAINST DUELLING.

Chap. 9

Preamble.

Whereas divers persons, from the want of a due regard to the life of man, and in contempt of the authority and government of the Supreme Giver and Disposer of life, a regard to which is essentially necessary to the preservation and happiness of a republic, and in violation of the wise and righteous laws of civil society, have voluntarily and maliciously engaged in the detestable and infamous practice of duelling, whereby upon false notions of honor, that result from a want of moral sense and human feeling, many lives have been lost, and many families have been brought to distress and ruin:

Penalty for engaging in a duel, where death doth not ensue.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That whosoever shall for private malice, displeasure, fury or revenge, voluntarily engage in a duel with rapier or small sword, back sword, pistol, or any other dangerous weapon, to the hazard of life, although death doth not thereby ensue, and shall in due course of law before the Supreme Judicial Court, in any county in this Commonwealth, be convicted thereof, shall be carried publicly in a cart to the gallows with a rope about his neck, and set thereon for the space of one hour, with a rope about his neck as aforesaid, and be committed to the common gaol of the county, without bail or main-prize, for the space of twelve months, and find sureties for the peace and good behaviour for the space of one year after the expiration of the said twelve months, or in lieu of the said imprisonment shall be publicly whipped, not exceeding thirty-nine stripes.

Penalty for challenging.

And be it further enacted by the authority aforesaid, That any person who shall by word, message, or any other way challenge another to fight a duel, or shall accept a challenge, although no duel be fought, or shall any ways abet, prompt, encourage or seduce any person to fight a duel, or to challenge another to fight, and be convicted

thereof in manner as aforesaid, shall be fined to the use of the Commonwealth, in a sum not exceeding three hundred pounds, shall suffer six months imprisonment, find sureties for the peace and good behaviour for the term of one year, and be incapable of sustaining any office under the government for the term of three years next following the time of such conviction, or shall be liable to any or all those punishments at the discretion of the Court.

And be it further enacted, That when it shall appear by the Coroner's inquest that any person hath been killed in fighting a duel, the Coroner of the county where the fact was committed, shall be, and he hereby is directed and empowered to take effectual care that the body of such person so killed be immediately secured and buried without a coffin, with a stake drove through the body at or near the usual place of execution, or shall deliver the body to any surgeon or surgeons to be dissected and anatomized, that shall request the same and engage to apply the body to that use; but in case the body shall not be delivered to any surgeon or surgeons as aforesaid, it shall be buried as before directed. *Provided*, The said place of execution shall be within ten miles of the town or place where the person was killed, otherwise the body shall in like manner be buried in the most public road in the town or place where the fact was committed; and the charge of the Coroner's Inquest as well as of the burial of the body (if the same shall be buried) shall be defrayed out of the estate of the deceased (if any there be to be found) by warrant of distress, to be awarded by the Supreme Judicial Court upon the Coroner's presenting a bill of charge therefor; and if no estate be found, then the charge shall be paid out of the treasury of the county where the fact was committed.

And be it further enacted by the authority aforesaid, That any person who shall slay or kill any other in a duel, or fight as aforesaid, and shall upon conviction thereof on an indictment for murder receive sentence of death, part of the judgment of the Court upon such conviction shall be, that the body be delivered to any surgeon or surgeons to be dissected and anatomized, that shall appear in a reasonable time after execution to take the body and engage to apply it to that purpose; but if none shall appear as aforesaid, then the Sheriff who shall have execution done on the malefactor, shall bury the body

The body of a person killed in a duel, how to be disposed of.

The sentence of the Court against any person convicted of killing another in a duel.

without a coffin, in the same manner as the Coroner in this act is directed to bury the body of a person killed in a duel.

June 30, 1784.

1784. — Chapter 10.

[May Session, ch. 10.]

Chap. 10

AN ACT REGULATING BAIL IN CIVIL ACTIONS.

Bail to satisfy the judgment, in case of the avoidance of the principal.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That where bail is given on mean process in any civil action for the appearance of the party to answer the suit, and to abide the order and judgment of the Court thereon, every such person or persons who shall thus become bail, shall be obliged to satisfy the judgment out of his or their own estate, in case of the principal's avoidance and the return of *non est inventus* upon the execution.

Proviso.

Provided nevertheless, That the bail may at any time before final judgment upon the original suit, bring the principal into Court, and deliver him into the custody thereof, and be thereby discharged of their suretiship.

Persons recovering judgment, entitled to a writ of scire facias against the bail.

And be it further enacted, That when the principal shall avoid, so that his goods, lands, or chattels cannot be found to satisfy the execution, nor his body found to be taken therewith, the person for whom judgment was given, shall be entitled to his writ of *scire facias* from the same Court against the bail: And in case no just cause is shewn, judgment shall be given against them for the damages and cost recovered against the principal, with additional damages and cost, and execution shall be awarded against them accordingly.

Proviso.

Provided nevertheless, That if the bail shall bring their principal into Court before judgment is given upon the *scire facias* and there deliver him to the order of the Court, and shall pay the cost which may have then arisen upon the *scire facias*, then the bail shall be discharged; and the principal shall be committed to gaol, there to remain for the space of thirty days, in order to his being taken in execution. And if the creditor shall not within thirty days, next after the surrender of the principal, take him in execution, the Sheriff shall discharge him upon his paying the legal prison fees.

Writ of scire facias to be served within one year after judgment.

And it is further enacted, That no *scire facias* shall be served upon the bail, unless it be done within one year

next after the entering up final judgment against the principal.

And it is further enacted, That the bail may have their remedy by action on the case against their principal, for all damages sustained by their becoming his sureties.

Bail entitled to a remedy against the principal.

June 30, 1784.

1784. — Chapter 11.

[May Session, ch. 11.]

AN ACT FOR NATURALIZING THOMAS ROBISON.

Chap. 11

Whereas Thomas Robison, late of Quebec, in the Province of Canada, and now residing at Falmouth, in the county of Cumberland, and Commonwealth aforesaid, has petitioned the General Court to be naturalized, and be thereby entitled to all the rights, liberties, and privileges of a free citizen of this Commonwealth; and it being probable he will be a useful member thereof:

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Thomas Robison upon his taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace, *quorum unus*, shall be deemed, adjudged and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he the said Thomas had been an inhabitant within this State at the time of making the present form of civil government.

Thomas Robison naturalized.

And it is further enacted, That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of this Commonwealth.

Certificate of oaths to be returned.

June 30, 1784.

1784. — Chapter 12.

[May Session, ch. 12.]

AN ACT TO ENABLE THE INHABITANTS OF THE TOWN OF LONG-MEADOW, TO LAY OUT AND CONFIRM HIGHWAYS IN THE SAID TOWN, AT ANY LEGAL MEETING BEFORE THE SIXTH DAY OF NOVEMBER, SEVENTEEN HUNDRED AND EIGHTY-FOUR.

Chap. 12

Whereas the town of Springfield, by a vote of the said town in October, seventeen hundred and seventy-two, did

Preamble.

reserve to the inhabitants of the said town, a right to lay out highways in certain lands called the commons in the said Springfield, from the time of passing the said vote to the sixth day of November, seventeen hundred and eighty-four, which town of Longmeadow was then included in the said town of Springfield: And whereas the said town of Longmeadow was incorporated into a separate town in October last, but the said privilege of laying out highways in the said lands in Longmeadow was not mentioned in the act of incorporation, whereby the inhabitants thereof suppose themselves excluded from the said right: And whereas by law all town highways laid out by the selectmen thereof, are to be accepted and approved at the annual March meeting in the said town, before the same can be established, which cannot be done by the said town before the time reserved for exercising the said privilege will be elapsed: For remedy whereof,

Inhabitants enabled to lay out highways, &c.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the inhabitants of the said town of Longmeadow, shall have all the right to lay out highways in the same town in the said commons, which the inhabitants of Springfield had, or have by the said vote of October, seventeen hundred and seventy-two, reserved to themselves of laying out highways in the commons in the said Springfield, and also to accept, approve and confirm the same at any legal town meeting in the said Longmeadow, before the said sixth day of November next, as fully and effectually to all intents and purposes as the same might have been done at any legal town meeting in the month of March; any law to the contrary notwithstanding.

July 1, 1784.

1784. — Chapter 13.

[May Session, ch. 13.]

Chap. 13 AN ACT IN ADDITION TO, AND FOR THE EXPLANATION OF AN ACT ENTITLED, "AN ACT LAYING DUTIES OF IMPOST AND EXCISE ON CERTAIN GOODS, WARES AND MERCHANDIZE THEREIN DESCRIBED; AND FOR REPEALING THE SEVERAL LAWS HERETOFORE MADE FOR THAT PURPOSE."

Preamble.

Whereas doubts have arisen, respecting the true intent of the following words in the said act, viz. "That no discount, or remission of the impost levied by this act, shall be

allowed on the aforesaid goods, wares and merchandize, after being entered or landed in any place within this Commonwealth, or on any other account whatever:” For the explanation thereof,

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That no discount or remission of the impost levied by the said act, shall be allowed on any goods whatever, after they shall have been taken out of the vessel or float that brought them into this Commonwealth, on account of their being exported, or on any other pretence whatever; except in cases as provided for in this and the act aforesaid: But on goods which shall not be taken out of the vessel or float which brought them into this Commonwealth, no impost shall be demanded.

No remission of impost to be allowed on any goods taken out of a vessel, except as provided.

Be it further enacted by the authority aforesaid, That when any goods, wares or merchandize shall be imported into this Commonwealth, after the passing of this act, belonging to a subject of any other State in the union, and designed to be exported whole and entire to such State, by water only, if it shall appear by the manifest of the cargo, when first lodged with the naval officer that the said goods, wares and merchandize (particularly designated by their marks and numbers) were intended for such exportation; and if the same shall be put and kept under the immediate care of the naval officer of the port into which they shall arrive from the time of their first arrival, till they shall be so exported; and if the owner or consignee shall cause the said goods, wares and merchandize, to be cleared out by the said naval officer, and shall have them entered at the naval office of the port into which they shall be transported; and shall, within the time limited in the bond, (which is to be given in this case as in other instances) produce a certificate from the last mentioned naval officer, that the before mentioned owner or consignee has entered in his office, from on board the same vessel which cleared from the first mentioned office (naming her and the master thereof) the same goods, wares and merchandize (specifying the several boxes, casks and packages, with their marks and numbers) and shall also certify under oath, on the back of the said certificate, that he has not, since the passing of this act, caused to be exported or received, from any port in this Commonwealth, any goods on which an impost is laid, which was

Goods imported by subjects of other States and designed to be exported entire, by water, not subject to impost duties.

not paid or secured to be paid (knowing them to be such) saving what is by law exempted from such imposts; in every such case the collector shall cancel the bond which was given for the impost on such goods, wares and merchandize.

Proviso.

Provided nevertheless, That no subject of any other State in the union, shall be intitled to the benefit of the foregoing provision, unless there be an act laying duties of impost of equal amount within such State; nor until the legislature of such State shall have passed a law, equally beneficial to the subjects of this Commonwealth, any thing herein to the contrary notwithstanding.

Whereas by the fourteenth enacting c'ause of the said act, every licenced person was required to take an account of all excised articles in his or her possession, on the first day of August last, and to pay the excise thereon: In order to save from injury licenced persons in certain cases.

Articles purchased before the first of August last, on which the duties were paid, not subject to a farther excise, except.

Be it enacted by the authority aforesaid, That when any licenced and permitted person, (other than the importer or consignee) who purchased dutied articles previous to the first of *August* last, and had the same, or any part thereof, then on hand, shall distinctly state the same to the collector, in his excise account, specifying the names of the persons of whom, and the time when they were purchased; and shall also give the collector full and satisfactory evidence by oath, that he paid the duty on all such articles, agreeably to the act then in force: In such cases the collector shall not demand any farther excise on any such articles; except on the articles of lemons, raisins, porter, ale or beer, and hats, any thing in the said act to the contrary notwithstanding; but on the articles last mentioned, the duty which by the act now in force is required, shall be demanded and paid.

Clerks of the Sessions to return the names, &c. of licenced persons to the collectors, annually.

Be it further enacted by the authority aforesaid, That the Clerks of the General Sessions of the Peace in the several counties in this Commonwealth be, and they are hereby required, yearly, and every year, during the continuance of the act last mentioned, or of this act, immediately after granting licences in their respective counties, to make return to the collectors of their respective counties, of the names and places of abode of all persons who shall in that year have been licenced therein. And the collectors of excise are hereby required to return to the Court of General Sessions of the Peace,

Collectors to return to the Courts of Sessions, the names

in their respective counties, the names of all persons who shall not have settled their excise accounts agreeably to law; and therefor to file a complaint against them, as soon as may be, after the expiration of the time limited for such settlement; and the said Courts are hereby required to order the recognizances of such delinquent persons to be put in suit without delay.

of persons who shall not have settled their excise accounts annually.

And whereas it is provided in the said act, that all articles seized by the naval officer, or collector or his deputy, shall be restored to the owner or consignee, upon his giving bond, with sufficient sureties, living within this Commonwealth, to pay the full value of such articles, if they shall be adjudged to be forfeited, within thirty days after final judgment thereon:

Be it therefore enacted by the authority aforesaid, That the Court passing such judgment, shall immediately thereupon issue execution, returnable in thirty days, for the full value of such articles as agreed upon and expressed in the condition of the bond, and for legal costs, any law or usage to the contrary notwithstanding.

Court to issue execution.

Be it further enacted by the authority aforesaid, That from and after the first day of August next, there shall be paid, in addition to the impost already laid, the following impost on all the following articles herein after named that shall be brought into this Commonwealth by land or water, viz. An impost of five per centum ad valorem, at the time and place of importation, on all kinds of paper, bellows, candles, soap, linseed oil, leather gloves and mitts, upon all beef, pork and butter, and cheese, not raised or made in any of the United States; and an impost of ten per centum ad valorem, at the time and place of importation, on coaches and all other kind of riding carriages, upon all kinds of the following articles, viz. Harness for riding carriages, saddles and bridles, surcingle and girt webb, boots, bootlegs, shoes, slippers and goloshoes, silver and ivory handled knives and forks, and all kinds of silver plated ware; and one shilling on each and every hundred weight of cordage and yarns, and eight pence for every pound of snuff, except on such of the said articles as shall not be taken out of the vessel or float in which they were brought into this Commonwealth; which impost shall be collected by the same persons and in the same manner as are prescribed in the act to which this is in addition.

Dutied articles.

Duty on snuff.

Be it further enacted, That there shall be paid four pence on every pound of snuff manufactured within this Commonwealth, by the manufacturer thereof, which shall be collected by the same persons and in the same manner as is prescribed in the act to which this is in addition; and if any manufacturer of snuff shall sell any snuff before he shall have given bond to the collector of excise within the same county for the payment of this duty, he shall forfeit for every offence a sum not less than forty shillings, nor more than one hundred pounds, together with the value of the snuff so sold, to be recovered in any Court proper to try the same.

And whereas the excise of four pence on every pound of imported loaf sugar established by the act to which this act is in addition, hath been found inconvenient: Therefore

Excise on loaf-sugar.

Be it enacted, That the said clause in the said act, establishing an excise of four pence on every pound of loaf sugar as aforesaid, be, and hereby is repealed, and that from and after the passing of this act there shall be paid an excise of three pence on every pound of imported loaf sugar, to be collected by the same persons and in the same manner as is prescribed in the act to which this act is in addition.

Goods brought in any vessel or float, not entered in the manifest, to be forfeited.

And be it further enacted by the authority aforesaid, That all goods, wares and merchandize, which shall be brought into this Commonwealth on board of any vessel or float, and belonging to any owner of the said vessel or float, or to the Captain or master thereof, or to any other officer or mariner belonging to the same, and shall not be entered in the manifest, shall be forfeited. And the naval officers, collectors and their deputies, are hereby authorized and required, in their respective counties, to seize and secure such goods, wares and merchandize for trial, and on condemnation thereof there shall be paid out of the neat proceeds of the goods condemned, to the person giving information, twenty-five per centum, to the seizing officer or officers twenty-five per centum, and the remainder shall be paid into the treasury of this Commonwealth.

Naval officers to seize such goods.

And whereas the indulgence by law allowed of giving security for payment of duties at certain days, subsequent to the day of the making of such security, hath in some cases been abused by a delay of payment, at the times or periods by law in such cases directed: For remedy whereof,

Be it further enacted by the authority aforesaid, That from and after the passing of this act, every person who

shall give security for payment of duties as by the act to which this is an addition is directed and allowed, shall be holden and obliged in the same obligation to bind him or herself to the collector, to pay lawful interest from the date of such obligation, upon such sum or sums of money as by such obligation may be secured to be paid, provided the sum or sums in such obligation secured to be paid, shall not be in fact paid at the several times or periods in such obligation fixed and concluded upon.

Persons giving security for payment of duties, holden and obliged to pay lawful interest from the date of the obligation.

And be it further enacted by the authority aforesaid, That where any bond that hath been or shall be given to the collector, for the payment of duties, shall not be discharged at the time or period it shall become due, in part or whole, the collector to whom such bond hath been or shall be given, or his successor, shall, within twenty days after payment shall become due, in part or whole, cause the same bond to be put in suit against the obligor or obligors, and such suit shall with due diligence pursue to final judgment and execution. And where any bond heretofore given to the collector, hath already been due more than twenty days, and still remains undischarged, the collector to whom such bond was made, or his successor, is hereby required without delay, to cause such bond to be put in suit against such obligor or obligors, and the same with due diligence to pursue to final judgment and execution.

Bonds given to collectors for payment of duties, not discharged when due, to be put in suit.

Bonds heretofore given, already due and undischarged, to be put in suit.

And whereas provision is made in the act to which this is in addition, that in default of payment of the duty upon carriages therein directed, the collector is authorized to make out and deliver to a constable a warrant of distress in manner and form in the said act to which this is in addition, pointed out for the levying and collecting of such duties; but no provision is therein made to compel such constable to pay over to the collector who made out such warrant of distress, the duty so in arrear when by such constable collected: For remedy of which defect,

Preamble.

Be it enacted by the authority aforesaid, That when and so often as any constable shall have levied or made by distress or otherways, by virtue of such warrant of distress so made out by the collector as aforesaid, the whole or part of the duty in arrear, and to be levied and made by distress as aforesaid, he shall within ten days after the receipt of the said money, first making the deduction in the act aforesaid allowed, deliver and pay

Constables receiving the duty in arrear, by warrant of distress, directed in this case.

the remainder of such money so received, to the collector who made out the said warrant of distress, or to his successor. And upon his neglect in this behalf, shall forfeit treble the lawful interest of the sum so received and detained, to the use of the person who shall sue for the same; the said forfeiture to be recovered by action of debt, or by information in any Court proper to try the same.

Monies arising
from this act,
how applied.

Limitation.

Be it further enacted by the authority aforesaid, That the monies arising from this act, excepting such sums as are otherways expressly appropriated, shall be applied for the payment of the interest specified in the act to which this is made in addition, and for no other purpose; and this act shall continue and be in force during the continuance of the aforesaid act, and no longer.

July 1, 1784.

1784. — Chapter 14.

[May Session, ch. 14.]

Chap. 14 AN ACT ESTABLISHING NAVAL OFFICES IN THIS COMMONWEALTH, AND FOR THE REPEALING LAWS MADE FOR THAT PURPOSE.

Naval offices
established.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That within the several sea ports of *Boston, Salem, Marblehead, Newburyport, Gloucester, Ipswich, Beverly, York, Penobscot, Pepperellborough, Falmouth* in the county of *Cumberland, Boothbay, Goldsborough, Machias, Passamoquaddy, Bath, Plymouth, Barnstable, Dartmouth, Dighton, Edgartown,* and *Sherburne*, in the county of *Nantucket*, within this Commonwealth, an office be, and hereby is established, to be called and known by the name of the Naval Office.

Naval officers
to give bond,
and be sworn.

And be it enacted by the authority aforesaid, That every person who shall be appointed to discharge and execute the duties of a Naval Officer, before he enter on the duties thereof, shall give bonds with sufficient sureties to the Treasurer of this Commonwealth, in the sum of one thousand pounds, for the faithful discharge of the trust reposed in him; and also shall be thereunto sworn before some Justice of the Peace, who is hereby empowered to administer the oath, and directed to return

a certificate thereof to the Secretary of this Commonwealth.

Be it further enacted by the authority aforesaid, That it shall be the duty of every Naval Officer, who is or may be chosen and qualified as aforesaid, to grant registers for, and to enter and clear ships and other vessels trading to or from this Commonwealth, to take manifests on oath of all cargoes exported or imported, and keep fair records thereof, to grant bills of health when desired, to take bonds in adequate penalties when bonds are by law required, and to do and perform all that by this or any other act or acts is or may be required.

Their duty.

Be it further enacted by the authority aforesaid, That the Naval Officers who are or may be appointed, be, and they are hereby severally empowered, to appoint one or more deputies within their respective districts, to do the business assigned in this act, to the Naval Officers, or any part thereof. And the Naval Officers shall severally be accountable for the conduct of their respective deputies; and every deputy before he proceeds to the execution of his office, shall be sworn to the faithful discharge thereof, before some Justice of the Peace; and the deputies shall be paid for their services by the Naval Officers who shall severally appoint them.

Naval officers empowered to appoint deputies, and to be accountable.

Deputies to be sworn.

Be it further enacted by the authority aforesaid, That the several Naval Officers within this Commonwealth, shall either by themselves or their respective deputies, keep their offices open from nine of the clock in the morning till one in the afternoon, and from three in the afternoon till sun set, the Lord's day excepted.

Office hours.

Be it further enacted by the authority aforesaid, That all Naval Officers shall constantly keep a list of legal fees exposed to open view in their respective offices; and in case any such officer shall neglect so to do, or shall directly or indirectly demand or take any greater fee than by law is or may be allowed, for each and every such offence he shall forfeit and pay the sum of twenty pounds; or if any Naval Officer shall unnecessarily delay the entering or clearing any ship or vessel, on conviction thereof, he shall be liable to pay the damages arising therefrom, with costs, to be recovered by action in any Court proper to try the same.

To keep a list of legal fees in open view.

Penalty for delay in entering or clearing.

Be it further enacted by the authority aforesaid, That all ports, harbours, havens, creeks and inlets within this

Ports, &c. where no naval

office is established, how to be considered.

Commonwealth, in which no Naval Office is or may be established, shall be considered as belonging to the next or nearest port in which a Naval Office is or may be established; any usage or custom to the contrary notwithstanding.

Proviso.

Provided nevertheless, That where any dispute or difficulty may arise on account of the distance of any port, harbour, haven, creek or inlet, from the Naval Office, adjoining to either side of the same, the Governor with advice of the Council, be, and hereby is empowered to assign and set off such port, harbour, haven, creek or inlet, to either of the Naval Offices next adjoining.

Penalty for abuse to naval officers, in the execution of their duty.

Be it further enacted by the authority aforesaid, That if any person shall obstruct or abuse any Naval Officer or deputy, in the execution of his duty, every person thus offending, for every such offence, shall forfeit and pay a sum not exceeding one hundred pounds, nor less than ten pounds, as the nature of the offence may be, one half thereof to such officer or deputy, and the residue to the use of the Commonwealth, to be recovered by such officer or deputy, or by the Attorney General, by action of debt in any Court proper to try the same.

Commanders of vessels, before breaking bulk, to enter at the naval office, an account of his vessel, &c.

Be it further enacted by the authority aforesaid, That from and after the first day of *September*, one thousand seven hundred and eighty-four, the master or commander of every ship and other vessel, which shall arrive in any port, harbour, or place within this Commonwealth, shall before breaking bulk, enter at the proper Naval Office of the port, harbour or place, an account of his ship or vessel, together with a manifest on oath of all the goods, wares and merchandize on board the same; and shall if the said ship or vessel is owned by any other than a citizen of this or any of the United States of *America*, enter into bond with one sufficient surety, being a citizen of this or one of the United States, in the sum of three hundred pounds; conditioned, that he will observe, keep and obey all ordinances, acts and resolves, either of the United States in Congress assembled, or of this Commonwealth, respecting trade and navigation.

Master, &c. not to break bulk.

And the master or commander of any ship or vessel, who shall presume or attempt to break bulk or unlade any part of the goods, wares or merchandize on board the said ship or vessel, before he has made due entry thereof as aforesaid, and obtained a permit therefor from the

proper Naval Office, shall for every such offence, forfeit and pay the sum of five hundred pounds, one fourth part thereof to the Naval Officer, who is hereby empowered to sue for and recover the same; and the remainder thereof to the use of this Commonwealth. And any Naval Officer or his deputy is hereby empowered and directed, to take and seize such goods, wares, and merchandize, unladen before entry as aforesaid; which goods shall be forfeited, one fourth part thereof to the said officer, and the residue thereof to the use of this Commonwealth.

Forfeiture.

Naval officer directed to seize.

Be it further enacted by the authority aforesaid, That if any goods, wares or merchandize, belonging to any owner or owners of any ship or vessel, shall be unladen as aforesaid, not only such goods, wares and merchandize shall be seized and forfeited, but also the said ship or vessel, with her furniture, tackle and apparel, shall be seized and forfeited, one quarter part thereof to the Naval Officer, who is hereby empowered to sue for and recover the same, and the residue to the use of this Commonwealth.

Goods unladen without entry, to be seized.

Be it further enacted by the authority aforesaid, That from and after the first day of *September* next, no ship or other vessel shall be permitted to sail or depart out of any port, harbour, or other place within this Commonwealth, and proceed to sea, without the master or commander having duly cleared out at the proper Naval Office, the said vessel with her cargo on board, manifest whereof shall be exhibited by the said master under oath, and left with the officer who may grant the clearance, a certificate of which clearance shall be delivered by the said officer to the said master or commander. And any master or commander of any ship or other vessel, who shall presume to depart with the said ship or vessel, from any port, harbour, or place where such ship or vessel may be, and hath been entered at the Naval Office, without having cleared out and obtained a certificate thereof as aforesaid, shall upon conviction thereof, forfeit and pay the sum of two hundred pounds, to be recovered and applied in manner as aforesaid.

No vessel to depart out of port till cleared.

Penalty.

Be it further enacted by the authority aforesaid, That no entrance or clearance of any ship or other vessel shall be made as aforesaid, in any other than the proper Naval Office of the district where such ship or vessel shall be; any thing in this act to the contrary notwithstanding.

No entrance or clearance but at the proper naval office.

Naval officer
not to enter any
vessel out of his
district, on
penalty.

Be it further enacted, That if any Naval Officer shall admit to entry, or grant a clearance for any ship or vessel, except such ship or vessel shall be at the same time within the limits of his district, he shall forfeit and pay for every such offence, the sum of one hundred pounds; one moiety thereof to any person who shall sue for the same, and the other moiety to the use of this Commonwealth.

Provided, that
masters of fish-
ing vessels, &c.
employed coast-
ways, be obliged
only to give
bond every
year.

Provided always, and be it further enacted by the authority aforesaid, That no ship or other vessel belonging to any citizen in this Commonwealth, employed in the business of catching fish, or in carrying wood or lumber coastways, shall be subject to any of the aforesaid regulations, saving as is hereafter provided; but instead thereof, the owners or master of every such ship or vessel employed as aforesaid, and of all boats and lighters of the burthen of fifteen tons and upwards, employed in transporting goods, shall once every year, enter into good and sufficient bonds at the Naval Office of the port where such ship, vessel, boat or lighter belongs, to the Treasurer of this Commonwealth, in the penal sum of one hundred pounds, with condition to observe, keep and obey all ordinances, acts and resolves of the United States, in Congress assembled, and of this Commonwealth, respecting trade and navigation. And such owner or master shall take certificate thereof from the said Naval Officer; and such ship or vessel, boat or lighter, the owners or master of which shall not have entered into such bond, and taken such certificate thereof, shall be forfeited to the use of this Commonwealth; and such certificate shall be deemed a full sufferance and clearance for the same ship, vessel, boat or lighter, to pass and repass from any port, harbour or place within the Commonwealth, for the term of one year from the date of the bond therein referred to, and no longer. *Provided*, That the master of such ship, vessel, boat or lighter, shall report to the Naval Officer from time to time, his entering within his district.

Proviso.

Every vessel of
15 tons or up-
wards to be
registered.

Be it further enacted, That every ship or other vessel of the burthen of fifteen tons or upwards, owned by the citizens of this Commonwealth, shall be duly registered; and that no ship or other vessel's name shall be changed after registering, without registering such ship or vessel anew, and delivering up the former register to be cancelled. And in case there be an alteration of property in part or in whole, by sale after registering, such sale shall

be acknowledged by indorsement on the register, before the Naval Officer of the port where such vessel may be, or made before one or more witnesses, and recorded within twenty days in the said Naval Office, upon penalty of forfeiting the sum of ten pounds, to be paid by the purchaser to the use of this Commonwealth. And whenever there may be a change of the master or commander of any ship or other vessel, the Naval Officer shall endorse the same on the back of the register.

And be it further enacted by the authority aforesaid, That if any person shall forge, erase or falsify any certificate, cocket or permit, for any vessel or goods, wares or merchandize, or shall knowingly make use thereof, or knowingly exhibit any false manifest, such person shall forfeit and pay for every such offence, a sum not exceeding five hundred pounds, nor less than fifty pounds, one fourth part thereof to the Naval Officer in whose district the offence is committed, and who is hereby empowered to sue for and recover such forfeiture in any Court proper to try the same, and the remainder thereof to the use of this Commonwealth.

Penalty for
forging any
certificate, &c.

And be it further enacted by the authority aforesaid, That from and after the first day of *September* next, if any ship or vessel laden with, or having on board customable goods, shall be hovering on the coasts of this Commonwealth, within the limits of any port thereof, and not proceeding on her voyage, (wind and weather permitting) it shall be lawful for the Naval Officer of such port to go on board such ship or vessel, and take an account of the lading, and demand security of the master, by his own bond to the Treasurer of this Commonwealth, to the use thereof, with condition that such ship or vessel shall (as soon as wind and weather, and the state of such vessel doth permit) proceed regularly on her voyage. And that he will produce to the said Naval Officer within a reasonable time, to be expressed in the bond, a certificate from the proper officer of the port where such goods were landed, that they were legally entered. And if such master or commander shall refuse to enter into such bond, or shall not proceed on such voyage (as soon as the wind and weather and the state of such vessel will permit) all the customable goods on board of such vessel may be taken out and secured by the Naval Officer, until the duties thereon are secured to government; and the charges

Naval officers
empowered to
secure the du-
ties on the lad-
ing of vessels
hovering on the
coast.

arising by the removal and securing such goods, shall be paid by the master or commander of such ship or vessel.

Naval officers to render a transcript of all entries, &c. to the Secretary, once in six months.

Be it further enacted by the authority aforesaid, That the several Naval Officers within this Commonwealth, shall, once in every six months at least, estimating the same from the day of their being chosen, render to the Secretary of this Commonwealth, a fair transcript of all the entries and clearances made at their respective offices, which transcript shall contain an exact account of all the vessels of every denomination, their burthen, where owned, and the names and numbers of mariners by whom each shall be navigated. Also a particular account of all goods, wares and merchandize, that may have been entered and cleared within the said time at their several offices.

Penalty for neglect.

Be it further enacted by the authority aforesaid, That if any Naval Officer shall neglect to make such returns to the said Secretary for two half years successively, he shall be rendered incapable of being again elected to that office, unless such officer shall give sufficient reason for his neglect.

And to return all vessels entered, &c. to the collectors of excise, once every week, on penalty.

And be it further enacted by the authority aforesaid, That the Naval Officer of each district, shall once every week make a return to the collector of excise, of the county in which such district may be, of all vessels by him entered or cleared, with copies of the manifest of all goods, wares and merchandize, entered or cleared at his office, on penalty of three pounds for every such neglect, to be sued for and recovered in any Court proper to try the same, by the said collector, whose duty it shall be to prosecute; one moiety of the said fine to be to the use of the said collector, the other moiety to the use of this Commonwealth; which accounts so transmitted by the Naval Officer, shall be entered regularly by the collector, in a book to be kept for that purpose, mentioning the times when received; and once in every six months, the several collectors of excise within this Commonwealth, shall transmit to the Secretary of this Commonwealth, a fair account taken from the said books of all entries and clearances so received.

Collectors to transmit a fair account of such entries, &c. once in six months, to the Secretary.

Laws establishing naval offices repealed.

And be it further enacted, That from and after the first day of *September*, one thousand seven hundred and eighty-four, all laws heretofore in being for the establishment of

Naval Offices in this Commonwealth, shall be repealed and made null and void.

Provided nevertheless, That for any forfeiture incurred by a violation of any of the said laws, before the first day of *September* next, a prosecution may be commenced or pursued, and judgment thereon given after that time; any thing in the foregoing act to the contrary notwithstanding.

July 1, 1784.

1784. — Chapter 15.

[May Session, ch. 15.]

AN ACT VESTING CERTAIN POWERS IN CONGRESS.

Chap. 15

Whereas the United States in Congress assembled, did, by their resolutions of April the thirtieth, 1784, recommend to the Legislatures of the several States, to vest the said United States with certain powers for a time limited, for the purpose “ of restraining foreign commerce not founded on principles of equality.” And whereas it appears greatly beneficial to the commerce of the said States, that the said recommendations be complied with :

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said United States in Congress assembled, be, and they hereby are vested with full power for the term of *fifteen years*, to prohibit any goods, wares, or merchandize from being imported into, or exported from any of the said United States, in vessels belonging to, or navigated by the subjects of any power with whom the said States shall not have formed treaties of commerce.

Powers described.

Be it further enacted, That the said United States be, and hereby are vested with full power, for the said term of *fifteen years*, of prohibiting the subjects of any foreign State, Kingdom, or Empire, unless authorized by treaty, from importing into the said United States, any goods, wares, or merchandize which are not the produce or manufacture of the dominions of the Sovereign whose subjects they are. *Provided*, That to all acts of the said United States in pursuance of the above powers the assent of nine States shall be necessary.

Powers for prohibiting foreign subjects from importing goods, &c.

And be it further enacted by the authority aforesaid, That this act shall not be in force until each and every of the United States shall have passed laws vesting Congress with the same powers.

Proviso.

July 1, 1784.

1784. — Chapter 16.

[May Session, ch. 16.]

Chap. 16 AN ACT FOR OBTAINING A JUST AND ACCURATE ACCOUNT OF THE QUANTITY OF LAND WITHIN THIS COMMONWEALTH, GRANTED TO OR SURVEYED FOR ANY PERSON, THE NUMBER OF BUILDINGS THEREON, AND OF ITS INHABITANTS, PURSUANT TO A RESOLVE OF CONGRESS, PASSED THE SEVENTEENTH DAY OF *FEBRUARY*, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE.

Preamble.

Whereas the United States in Congress assembled, did, on the 17th day of February last past, resolve in the words following, that is to say, “That the Legislature of each State be, and they are hereby required, to take such measures as shall appear to them most effectual for obtaining a just and accurate account of the quantity of land in such State, granted to or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings, and the number of its inhabitants, distinguishing white from black;” which account by the said resolve is required to be transmitted and delivered to Congress: To carry which resolve into effect within this Commonwealth.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Assessors of the several towns, districts and plantations in this Commonwealth, on or before the first day of November next, shall transmit to the office of the Secretary of this Commonwealth, a just and accurate account of the quantity of land in their respective towns, districts and plantations, granted to or surveyed for any person, the number of buildings thereon, distinguishing dwelling houses from other buildings; and the number of inhabitants of all ages and sexes, distinguishing white from black, which were within the same on the first day of September, one thousand seven hundred and eighty three; and if there is not, or shall not be Assessors duly chosen or appointed, and sworn according to law, in any of the plantations within this Commonwealth, to perform the above business seasonably, then it shall be, and it is hereby made the duty of the Assessors of the senior adjacent or nearest town thereto, to perform the business in the said plantation or plantations, with respect to the number of buildings and the number of inhabitants, in the

ASSESSORS to transmit to the Secretary's office, an account of land &c in their respective towns.

same manner and form as if they were in the town where the Assessors belong; and they shall transmit a separate list thereof, with the name of the plantation thereto affixed and signed by themselves, to the Secretary's office by the time aforesaid; and the Secretary is hereby directed to add to the said list, the number of acres contained in the grant of the said plantation; and the several Assessors employed as aforesaid, shall be allowed and paid by their several towns, districts or plantations, the sum of four shillings by the day, for their services, except such as the Assessors of any town may in pursuance of this act, perform for any plantation; and for the services which the Assessors of any town may perform for any plantation as aforesaid, they shall be severally allowed and paid out of the treasury of this Commonwealth, at the rate of six shillings per day.

Assessors pay.

And be it further enacted by the authority aforesaid, That the said Assessors before they proceed to the performance of the duty hereby enjoined on them, shall before some Justice of the Peace in the counties to which they respectively belong, take the following oath, *to wit.*

Assessors to be sworn.

You *A. B.* do solemnly swear, that you will faithfully and impartially perform and execute the duties enjoined on you, by an act of the General Court, entitled, "An act for obtaining a just and accurate account of the quantity of land within this Commonwealth, granted to or surveyed for any person, the number of buildings thereon, and of its inhabitants, pursuant to a resolve of Congress, passed the seventeenth of *February*, one thousand seven hundred and eighty-three." *So help you GOD.*

Oath.

And the Justices of the Peace respectively before whom such oath shall be taken, shall make certificate thereof, which by them shall be delivered to the Assessors deposing, and they shall transmit the same to the Secretary's office, with the account aforesaid; and any Assessor who shall refuse or neglect to comply with the duties hereby enjoined, shall forfeit and pay the sum of thirty pounds, to be recovered by the Attorney General in any Court proper to try the same, who is hereby empowered and directed to commence a prosecution for the same, as soon as he shall receive official information of such refusal or neglect; and the Secretary is hereby directed on the

Justices to deliver certificate thereof to the Assessors deposing, who shall transmit the same to the Secretary's office, with the account aforesaid.

Assessors neglecting.
Penalty.

Secretary directed.

second day of *November* next, to transmit to the Attorney General a list of such towns, districts and plantations, from which no such account as is herein before required shall have been received; and the Treasurer is directed upon the application of the Attorney General, to furnish him so far as may be in the power of the Treasurer, with the names of such towns, districts and plantations, as he shall request.

Assessors to warn the inhabitants to bring in an account of land, &c.

Be it further enacted by the authority aforesaid, That the Assessors of each town, district and plantation within this Commonwealth, in a convenient time before the said first day of *November*, shall give warning to the inhabitants in such town, district or plantation, in some public meeting, or in such other way as they shall judge expedient, to make and bring in to the Assessors at such time and place as they shall direct, a true account of the number of acres of land within the said town, district or plantation, also the number of buildings thereon, distinguishing dwelling houses from other buildings; together with the number of persons in their respective families which were within the said town, district or plantation, distinguishing white from black, on the said first day of *September*, one thousand seven hundred and eighty-three; and if the Assessors shall suspect falsehood in any such account, then they shall require the person presenting the same, to make oath to the truth thereof, which oath may be administered by the Assessors, or any one of them; and if any inhabitant shall neglect to make return as aforesaid, the Assessors shall doom such inhabitant according to their best skill and judgment; and the Assessors are farther directed to add to the return of the land and buildings belonging to the inhabitants of their several towns, districts and plantations, the quantity of land, and number of buildings within the same, (distinguishing therein as aforesaid) belonging to persons who are not inhabitants thereof.

Persons neglecting, to be doomed.

Secretary to make out an account of lands not within the limits of towns where assessors are appointed.

Be it further enacted by the authority aforesaid, That the Secretary be, and he is hereby directed, to make out a just and accurate account of all lands lying within this Commonwealth, granted to, or surveyed for any person, and not being within the limits of any town, district or plantation where Assessors are appointed.

July 2, 1784.

1784. — Chapter 17.

[May Session, ch. 17.]

AN ACT GRANTING TO SIMON WILLARD, THE EXCLUSIVE PRIVILEGE OF MAKING AND VENDING CLOCK JACKS FOR FIVE YEARS. Chap. 17

Whereas it appears that it will be productive of great national advantages that every reasonable encouragement should be given to arts, science, useful inventions, and improvements. And whereas Simon Willard of Roxbury, hath by study and application, invented a clock jack, with a compleat apparatus, which appears well calculated to answer the end designed, and hath petitioned this Court for an exclusive patent for making and vending the same: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be granted unto the said Simon Willard, the sole and exclusive right to make and sell his said clock jacks, within this Commonwealth for and during the term of five years next ensuing. Exclusive right.

And be it further enacted by the authority aforesaid, That no person shall, from and after the passing of this act, and during the said term of five years, make, sell, or utter clock jacks in imitation of those invented by the said Willard, without his licence and approbation. No person to sell clock jacks without licence.

And be it further enacted by the authority aforesaid, That if any person shall, from and after the passing this act, and during the said term of five years, make, sell, or utter clock jacks as aforesaid, he, she, or they so offending, shall, for every such offence, forfeit and pay the sum of six pounds, one moiety thereof to the use of this Commonwealth, and the other moiety to the person who shall sue for the same, to be recovered in an action of debt, in any Court proper to try the same. Persons presuming.
Penalty.

Provided always, and be it enacted by the authority aforesaid, That the said jacks, shall at no period during the said term of five years, be sold by the said Willard for a greater sum than three pounds, and the said exclusive right granted in manner as aforesaid, shall cease and determine immediately upon the said jacks being raised by the said Willard to a greater sum. Price not to exceed £.3. July 2, 1784.

1784. — Chapter 18.

[May Session, ch. 18.]

Chap. 18 AN ACT IN ADDITION TO AN ACT PASSED THE TWENTY-SECOND DAY OF OCTOBER, IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE, ENTITLED, "AN ACT MAKING PROVISION FOR THE SUPPORT AND MAINTENANCE OF LIGHT HOUSES, ON THE SEA COASTS OF THIS COMMONWEALTH."

Duty of four pence per ton on every vessel not belonging to either of the United States.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be paid by the master of every vessel not belonging to this or either of the United States, from and after the tenth day of *July* inst. a duty of four pence per ton for every ton such vessel shall measure, into the hands of the naval officer of the port where the said vessel shall clear out, previous to the clearing the same; which duty shall be collected and appropriated in the same manner as is provided in the act to which this act is in addition.

Where disputes arise, touching the number of tons, two meet persons to be chosen to measure the vessel.

And be it further enacted, That where any dispute shall arise between the naval officer and the master of any vessel, subject to the payment of the aforesaid duty, touching the number of tons such vessel really measures, the said naval officer and the master of the said vessel shall appoint two meet persons, one to be chosen by the said naval officer, and the other by the said master, to measure the said vessel; and the said master shall pay for so many tons as the said persons so chosen shall judge and determine the said vessel doth really measure. And if any master shall refuse or neglect to agree with the naval officer in the appointment of such appraisers, any Justice of the Peace within the county where such naval officer dwells, upon his application, shall be, and hereby is empowered to appoint three discreet persons to the performance of the said business, who shall be sworn to the faithful and impartial discharge of their trust, who having under their hands certified their judgment therein, the same shall be conclusive and binding.

July 2, 1784.

1784. — Chapter 19.

[May Session, ch. 19.]

AN ACT FOR THE REGULATION OF SEAMEN.

Chap. 19

Preamble.

Whereas great loss and damage is frequently occasioned to trade and navigation, by seamen deserting their employ or voyage they are entered upon, or being taken off from the same, by arrest for debt or pretence thereof: For remedy whereof,

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any innkeeper, victualler, seller of wine or strong liquors, shopkeeper or any other person whatsoever, shall trust or give credit to any mariner or seaman, belonging to any ship or other vessel, without the knowledge and allowance of the master or commander thereof, no attachment or any other process for any debt so contracted without knowledge and allowance as aforesaid, shall be granted against, or served upon the person of such mariner or seaman, until he shall have performed the voyage he is then entered upon, and be discharged of the same; and every process issued contrary hereunto and the serving thereof, shall be deemed and adjudged utterly void in law. And any Justice of the Peace within the same county before whom it shall be made to appear that any mariner or seaman is committed or restrained upon process granted for any debt or pretence of debt made whilst he was engaged and actually entered and in pay on any voyage, shall forthwith order his release.

No attachment or other process for debt, to be served upon any seaman, when engaged in a voyage.

Be it further enacted, That if the master or commander of any ship or other vessel, shall ship any seaman, knowing him to be first entertained and shipped on board another ship or vessel, or after notice thereof given him shall not forthwith dismiss him, every such master or commander so offending, being thereof convicted, shall forfeit and pay the sum of five pounds, to the use of him or them who shall sue for the same, in any Court of Record proper to try the same; and such seaman so shipping himself, being under the obligation of a former contract, shall forfeit and pay the value of one month's wages that he shall so agree for, to be recovered, employed and disposed of in manner as aforesaid.

Penalty for shipping seamen, knowing them to belong to other vessels.

Seamen neglecting their attendance and duty, when engaged.

Penalty.

Be it further enacted, That if any mariner or seaman having shipped himself on board any ship or other vessel which hath been launched, or is actually preparing for sea, to proceed in any voyage, and under pay, (the same being made to appear by his hand set to the master's book, shipping paper or other writing of such agreement) shall neglect his attendance and duty on board, and absent himself from his said service, upon complaint thereof made on oath by the owner, master, or other officer of the said ship or vessel, to any Justice of the Peace within the same county, such Justice is hereby empowered to cause such mariner or seaman to be forthwith brought before him by warrant, and upon conviction of his absenting himself as aforesaid, to commit him to prison that he may be secured, and forthcoming to proceed on the voyage he has so agreed to, and to be delivered by order of the Justice that committed him, or some other Justice in the same county.

July 5, 1784.

1784. — Chapter 20.

[May Session, ch. 20.]

Chap. 20 AN ACT TO INCORPORATE THE CHURCH AND CONGREGATION IN THE DISTRICT OF ORANGE, IN THE COUNTY OF HAMPSHIRE, WHEREOF THE REVEREND MR. EMERSON FOSTER IS THE PRESENT MINISTER, INTO A SOCIETY, BY THE NAME OF THE CONGREGATIONAL SOCIETY IN ORANGE.

Preamble.

Whereas the Church and Congregation aforesaid have applied to this Court, setting forth in their petition, that by subscriptions they are now possessed of about one thousand pounds, and have good encouragement of making an addition to that sum, so as to make a capital of twelve hundred pounds in the whole, and praying that they may have trustees appointed, and a succession thereof established and incorporated, vested with powers to take care of all the donations and subscriptions of every kind, and apply the interest and income thereof to the support of a learned Protestant Congregational Minister in the said society:

Society incorporated.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the church and congregation in the district of Orange, whereof the Reverend Mr. Emerson Foster is the present minister, be, and they are

hereby incorporated into a society, by the name of the Congregational Society in *Orange*.

And be it further enacted by the authority aforesaid, That Nathan Goddard, Hananiah Temple, Benjamin Mayo, Edward Ward, and Ebenezer Fosket, the present trustees of the said congregational society, and those that shall be annually chosen forever hereafter by the said society to the same office, shall be, and they are hereby declared a body corporate, by the name of the Trustees of the Congregational Society in Orange; and they are hereby incorporated for the special purposes following, viz. To receive all the donations, subscriptions, securities and monies, now in the hands of the said society, and also to receive further donations so as to raise a capital sum not exceeding fifteen hundred pounds. And all bonds, mortgages, or other lawful securities, that have been made, or shall be hereafter made, not increasing the whole sum to more than fifteen hundred pounds as aforesaid, to the said Nathan Goddard, Hananiah Temple, Benjamin Mayo, Edward Ward, and Ebenezer Fosket, or their successors as trustees as aforesaid, shall be, and are hereby declared good and valid to all intents and purposes. And that the said sum of twelve hundred pounds, or a sum not exceeding fifteen hundred as aforesaid, when raised, shall be by the said trustees put on interest, they taking good security therefor, and annually applying the interest arising from the same to the use and support of a learned congregational minister, resident in the said district of Orange, and officiating in the work of the ministry with the aforesaid congregational society, forever. And the said trustees and their successors, or the major part of them, by the corporate name aforesaid, may appear, plead, sue and defend, in any Court proper to try the same within this Commonwealth, in all matters touching such securities, when directed thereto by a vote of the said society.

Trustees declared a body corporate.

Purposes of incorporation.

Trustees empowered to sue and defend.

And be it further enacted, That all male persons who usually assemble with the aforesaid church and congregation for public worship, and are qualified by law to vote in town affairs, shall have a right to vote in the said society meetings.

Qualified voters in society meetings.

And be it further enacted, That if at any time hereafter, there shall be no settled minister in the said church and society, then, and in that case, the trustees for the time

Trustees to apply interest for supplying the pulpit, when no settled minister.

being, are empowered to apply so much of the aforesaid interest for supplying the pulpit with preaching, as shall be necessary, under the orders and directions of the society, until a minister shall be regularly settled with the said society of the denomination aforesaid.

Directed to call a meeting annually.

And be it further enacted, That the said *Nathan Goddard, Hananiah Temple, Benjamin Mayo, Edward Ward, and Ebenezer Fosket*, the present trustees, and their successors in that office, be, and are hereby directed to call a meeting of the society annually forever, on the fourth Wednesday of *March*, to choose trustees, and transact such other matters as shall be for the benefit and well being of the said society, which meeting shall be called by posting up a notification at the meeting house of the congregational society aforesaid, containing all the particulars to be acted upon, ten days at least before the time of meeting. And if at any annual meeting, or other meeting therefor, the society shall neglect to choose trustees, then the last trustees shall continue vested with all the powers aforesaid, until others shall be chosen in their stead. And the present trustees and their successors in office, are hereby made accountable to the said society, and may be removed from office for misdemeanor therein, and others chosen in their stead, at a society meeting called therefor, and notified as is before directed.

Trustees accountable to the society.

Empowered to call meetings at other times besides the annual meetings.

And be it further enacted, That the said trustees and their successors, be, and they are hereby directed and empowered, to call meetings of the said society at any other times besides the annual meetings, when there shall be occasion therefor, or when requested thereto, in writing by five or more of the society who are lawful voters therein, according to the foregoing description; but if the trustees shall neglect or refuse to call a meeting when requested thereto as aforesaid, then and in that case, upon the request of five or more of the society qualified as aforesaid, to a Justice of the Peace in the same county, he shall issue his warrant directed to some principal member of the said society, to notify a meeting thereof as is before directed, to act on the particulars mentioned in the request.

July 5, 1784.

1784.—Chapter 21.

[May Session, ch. 21.]

AN ACT FOR ERECTING A DISTRICT WITHIN THE COUNTY OF *Chap. 21*
 SUFFOLK, BY THE NAME OF *DOVER*.

Whereas the inhabitants of the fourth precinct in the town of Dedham, in the said county, have repeatedly and earnestly petitioned this Court, that they may be incorporated into a district, and it appears that they labor under great difficulties in their present situation:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said fourth precinct in Dedham, be, and it hereby is incorporated into a district, by the name of Dover, with all the powers, privileges and immunities, of incorporated districts, viz. Beginning at Bubbling brook, so called, where it crosses Medfield road; and from thence taking in the lands of Samuel Chickering, deceased; and from thence to the westerly end of the house lot of Nathaniel Richards; and thence by the house lot aforesaid, to Charles River; with all the lands and inhabitants west of the said line, within the said precinct.

Provided, That the freeholders and inhabitants of the said district of Dover, shall pay their proportion of all taxes now assessed by, and debts due from the said town of Dedham; and that the said district of Dover, relinquish all their right, title and interest, in and to the workhouse, school money, and all donations and other public privileges in the said town of Dedham.

And be it enacted by the authority aforesaid, That the polls and estates in the said district of Dover, that were returned by the assessors for the said town of Dedham, on the last valuation, which then belonged to the said town of Dedham, be deducted from the return made by the said assessors, and be placed to the said district of Dover until another valuation shall be taken.

And be it further enacted, That Stephen Metcalf, Esq; be, and is hereby empowered to issue his warrant, directed to some principal inhabitant within the said district of Dover, requiring him to warn the freeholders and other inhabitants within the said district of Dover, qualified to vote in district affairs, to assemble at some suitable time and place in the said district, to choose such officers

Preamble.

Dover incorporated.

Boundaries.

To pay their proportion of taxes, already assessed.

Polls &c. in Dover to be deducted from Dedham.

Stephen Metcalf, Esq; to call a meeting.

as shall be necessary to manage the affairs of the said district.

To join with
Dedham in the
choice of a Rep-
resentative.

And it is further enacted, That the selectmen of the town of *Dedham*, fifteen days at least before the time of choosing a Representative for the said town, shall give notice of the time and place by them ordered for that purpose, in writing, under their hands, to the selectmen of the said district of *Dover*, to the intent, the selectmen of the said district may issue their warrant to the constable or constables of the said district, to warn the inhabitants thereof to meet with the said town of *Dedham*, at time and place so appointed for the choice of a Representative.

July 7, 1784.

1784. — Chapter 22.

[May Session, ch. 22.]

Chap. 22 AN ACT FOR REGULATING THE FEES AND FORMS IN THE NAVAL OFFICES WITHIN THIS COMMONWEALTH.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That there be demanded and received in each Naval Office in this Commonwealth, the fees following, and no greater, *that is to say,*

Fees.

For every register and recording the same, four shillings, exclusive of the Secretary's fee.

For endorsing every register and recording the same, one shilling.

For entering every ship and other vessel from any port in this Commonwealth, two shillings.

For clearing every ship and other vessel for any port in this Commonwealth, two shillings.

For entering every ship and other vessel from any other of the United States of *America*, four shillings.

For clearing every ship or other vessel for any other of the United States of *America*, four shillings.

For entering every ship and other vessel from a foreign voyage, ten shillings.

For clearing every ship and other vessel on a foreign voyage, ten shillings.

For every bond, one shilling and six pence.

For every certificate to cancel a bond, one shilling and six pence.

For every permit to unlade, one shilling.

For every cocket, one shilling and six pence.

For every bill of health, two shillings.

For every bond and certificate coastways, six shillings.

For every pass by any garrison or guard, (coasters excepted) one shilling.

For receiving and entering the report of every fishing vessel, and vessel carrying wood and lumber coastwise, and a certificate thereof, six pence.

And be it further enacted, That the forms following be used in the said offices, when forms are required, *viz.*

[*Form of a register.*]

COMMONWEALTH OF *Massachusetts.*

In pursuance of an act of this Commonwealth, made and passed in the year of our Lord, one thousand seven hundred and eighty-four, *Providing*, That all vessels of fifteen tons and upwards, should be provided with registers, _____ of _____ in the _____ maketh oath that the _____ whereof _____ is at present master, being a _____ sterned vessel, of the burthen of _____ tons, or thereabouts, was built at _____ in the year of our Lord, one thousand seven hundred and _____ and that _____ at present owner thereof.

Form of a register.

Sworn before and recorded by

Dated at _____ the _____ day of _____ in the year of our Lord, one thousand seven hundred and _____ and in the _____ year of the Independence of the United States of *America*.

Governor.

Attest.

Secretary.

[*Form of a bond given by coasters.*]

Know all men by these presents, That _____ are _____ holden and stand firmly bound unto _____ Esq; _____ Treasurer of the Commonwealth of *Massachusetts*, in the sum of one hundred pounds lawful money, to be paid unto the said _____ Esq., or his successor in the said office, for the use of the said Commonwealth. To which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, (jointly and severally)

Bond given by coasters.

firmly by these presents. Sealed with our seals. Dated
 at the port of _____ in the said Commonwealth,
 the _____ day of _____ A. D. 178

The condition of this obligation is such, That whereas by a law of this Commonwealth, made and passed in the year of our Lord, one thousand seven hundred and eighty-four, entitled, “An act for establishing Naval Offices in this Commonwealth:” *It is enacted,* That the owner or master of every ship or vessel employed in the fishing business, or in carrying wood or lumber coastways, and of all boats and lighters above the burthen of fifteen tons, employed in transporting goods, shall once every year enter into good and sufficient bonds at the Naval Office of the port where such ship, vessel, boat or lighter belongs, to the Treasurer of this Commonwealth, in the penal sum of one hundred pounds, with condition to observe, keep and obey all ordinances, acts and resolves, either of the United States in Congress assembled, or of this Commonwealth, respecting trade and navigation. And whereas the said _____ of _____ the _____ burthen about _____ tons, proposes to employ the said _____ in the business of _____ for the term of one year from the date hereof. Now therefore, if the said _____ shall well and truly observe and perform the conditions aforesaid, in the said act mentioned, according to the true intent and meaning thereof, then this obligation to be void and of no effect, otherwise to remain in full force and virtue.

Signed, sealed, and delivered in
 presence of _____

[*Form of certificate for coasters, &c.*]

COMMONWEALTH OF *Massachusetts.*

Port of _____

Certificate for
 coasters, &c.

These certify all whom it may concern, That _____ of the _____ burthen _____ tons, or thereabouts, navigated with _____ men, which the said _____ proposes to employ in the business of _____ for the term of one year from the date hereof, has this day entered into bonds at my office, to the Treasurer of this Commonwealth, agreeable to a law of the same, intituled, “An act for establishing a Naval Office in this Commonwealth;” the said _____ has therefore full sufferance to pass and

repass from any port, harbour or place, to any other port, harbour or place, within this Commonwealth, for the term of one year from the date hereof, and no longer.

Given under my hand and seal of office, the day
of in the year of our Lord, one thousand seven hun-
dred and Naval Officer.

[*Form of a bill of health.*]

COMMONWEALTH OF *Massachusetts.*

Port of

To all to whom these presents shall come.

Naval Officer for the port of *Bill of health.*
in the said Commonwealth, sends, *Greeting.*

Whereas master of the
burthen about tons, and navigated by
men, now lying in the harbour of
and by GOD's grace, bound for is
now ready to proceed on the said voyage; and it being
just and proper to prevent, if possible, any suspicions
that may arise in the minds of any persons, on account of
any supposed infectious disease on board the said vessel:

Therefore know ye by these presents, That there is not
in the said port of any pestilence or con-
tagious distemper whatever.

In testimony whereof, the said has
hereunto affixed the seal of his office, and subscribed his
name.

Dated at aforesaid, the day
of and in the year of *American*
Independence, and in the year of our LORD, one thousand
seven hundred and Naval Officer.

[*Form of a permit to pass forts, &c.*]

COMMONWEALTH OF *Massachusetts.*

Port of

Permit the master, navigated with *Permit to pass*
men, mounted with guns, *forts, &c.*
bound for to pass the forts and guards.
Naval Officer.

*To the commanding officer of the several }
fortresses and guards in the harbour of }*

[*Form of a clearance.*]

COMMONWEALTH OF *Massachusetts*.

Port of *B*.

Clearance.

These certify all whom it doth concern, That C. D. master or commander of the burthened tons, or thereabouts, navigated with men, mounted with guns, has permission to depart from this port, with the following articles, viz.

And these are further to certify, That it appears by the original register, now produced to me, that the above mentioned was registered at *E*. the day of *A. D.* 178

Given under my hand and seal of office, at *B*. aforesaid, the day of in the year of our LORD, one thousand seven hundred and

A. B. Naval Officer.

[*Form of a cocket.*]

COMMONWEALTH OF *Massachusetts*.

Port of *B*.

Cocket.

This may certify, That C. D. master of the who cleared out from this office the day of *A. D.* 178 for has permission to take on board the said

Given under my hand and seal at *B*. aforesaid, the day of *A. D.* 178

A. B. Naval Officer.

[*Form of a short clearance.*]

COMMONWEALTH OF *Massachusetts*.

Port of *B*.

Short clearance.

This may certify, That C. D. master of the now in the harbour of *B*. and bound for is hereby permitted to take on board the said stores, and proceed from hence to aforesaid.

A. B. Naval Officer.

[*Form of a permit to load.*]

COMMONWEALTH OF *Massachusetts*.

Port of *B*.

Permit to load.

This may certify, That C. D. master of the has permission to take on board the said

designed to be shipped to the follow-
ing articles, *viz.*

Given under my hand at *B.* aforesaid, this
day of 178

A. B. Naval Officer.

[*Form of a permit to unload.*]

COMMONWEALTH OF *Massachusetts.*

Port of *B.*

This may certify, That *C. D.* master of the
lately arrived from has conformed to the laws
of this Commonwealth, so far as to have permission to
unload from the said the following articles, *viz.*

Permit to
unload.

Given under my hand at *B.* aforesaid, this day of
178

A. B. Naval Officer.

[*Form of a certificate to cancel a bond.*]

COMMONWEALTH OF *Massachusetts.*

Port of *B.*

These may certify, That there hath been landed here,
out of the whereof *C. D.* is master,
which appears by certificate, dated the day of
to have been shipped and laden at the port of *B.*

Certificate to
cancel a bond.

Given under my hand and seal, at *B.* the day of
in the year of our Lord, one thousand seven hun-
dred and

A. B. Naval Officer.

And it is further enacted, That all the laws and resolves
heretofore made, so far as they relate to the forms and
fees in the naval offices in this Commonwealth, from and
after the first day of *August* next, shall be repealed and
be null and void.

Former laws &
resolves, relat-
ing to forms &
fees, repealed.

July 7, 1784.

1784. — Chapter 23.

[May Session, ch. 23.]

AN ACT FOR INQUIRING INTO THE RATEABLE PROPERTY OF THIS COMMONWEALTH. *Chap. 23*

Whereas it is expedient that a new valuation should be taken:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of

Assessors of each town, &c. to take and lodge in the Secretary's office, on oath, by the 1st of Nov. next, true & perfect lists of polls & estates, &c.

the same, That the Assessors of each town, district and plantation, within this Commonwealth, chosen for the year one thousand seven hundred and eighty-four, shall, on oath, take and lodge in the Secretary's office, on or before the first day of *November* next, a true and perfect list, according to their best skill and judgment, agreeable to a list and schedule settled by the General Court at the present session, and recorded in the Secretary's office, a printed copy of which shall be by the Treasurer of this Commonwealth sent to the clerk of each town, district and plantation therein, containing an account of all male polls, including negroes and mulattoes, sixteen years old and upwards, whether at home or abroad, distinguishing such as by law are exempted from rates; and of all real estates, improved or not improved, lying within their respective towns, districts and plantations; by whom occupied or possessed, whether in his own right or the right of others; and of the barrels of cyder which can be annually made upon the whole farm; and of the tons of vessels and small craft of five tons and upwards, at home or abroad; and of every person's whole stock in trade, goods, wares and merchandize, at home or abroad, paid for or not paid for; and of all factorage or value of commissions on merchandize annually; and of the whole number of horses, neat cattle, sheep, goats, and swine, distinguishing them agreeable to the columns in the said list; and of the ounces of silver plate; and of all debts due to any persons, on interest or not on interest (excepting government securities and Continental loan-office certificates) more than they are indebted; and of all monies on hand, on the first day of *September*, one thousand seven hundred and eighty-four.

Proviso.

Provided nevertheless, That the following persons, *viz.* The President, Fellows, Professors, Tutors, Librarian, holding no other post of profit, and Students of *Harvard College*, who have their usual residence there, and settled Ministers of the Gospel, and Grammar School Masters, shall be exempted out of this act, so far as relates to their polls, and their real and personal estate under their own actual improvement, and lying within the town whereof they are inhabitants.

Assessors to be sworn.

Provided also, That all the estate of *Harvard College*, and lands belonging to the Indians, are excluded from this act. And the said Assessors shall cause all the

columns of the several articles contained in their several lists, to be carefully cast up and footed; and before they enter on the business assigned them by this act, they shall take the following oath, *viz.*

You *A. B.* being chosen Assessor for the town, district and plantation of *C.* for the year one thousand seven hundred and eighty-four, do swear, that you will faithfully and impartially, according to your best skill and judgment, do and perform the whole duty of an Assessor, as directed and enjoined by an act of this Commonwealth, made in the present year, entitled, “An act for inquiring into the rateable property of this Commonwealth,” without favour or prejudice.

Form of the oath.

So help you GOD.

Which oath, in such town, district and plantation where no Justice of the peace dwells, shall be administered by the town, district and plantation Clerk, who is hereby empowered and directed to administer the same; and every Assessor who shall have been chosen by any town, district and plantation, in the year one thousand seven hundred and eighty-four, and accepted such office, and who shall refuse to take such oath, shall forfeit and pay the sum of twenty pounds; and every person not necessarily out of the State *viz.* on and from the day of *September* next, to the first day of *October* next (in which cases they shall be doomed by the Assessors as hereafter expressed) who shall refuse or neglect to give such Assessor or Assessors, in writing and on oath, if required (which the Assessors are respectively empowered to administer) a true account of his rateable estate, agreeable to the true intent of this act, shall be doomed by the Assessors according to their best skill and judgment, and shall for each offence forfeit and pay the sum of twenty pounds: Which oath shall be in the form following, *viz.*

Assessors refusing to take such oath.

Penalty.

Persons refusing to give in to the Assessors, on oath, if required, an account of their rateable estate.

Penalty.

You *C. D.* do swear, that the account now exhibited by you, is to the best of your knowledge and judgment, a full account of your rateables, agreeable to the list now exhibited to you.

Form of the oath.

So help you GOD.

Be it further enacted, That the Assessors of each town, district and plantation in this State, for the year one thousand seven hundred and eighty-four, shall, by the aforesaid first day of *November* next, transmit to the Secretary's office, an authentic copy of the valuation, and state bill

Assessors to transmit to the Secretary's office, a copy of the valuation, &c. by which the taxes were made for 1785.

Penalty for neglect.

by which the taxes in their particular towns, districts and plantations were made, for the year one thousand seven hundred and eighty-three; and each Assessor who shall neglect his duty therein, shall forfeit and pay the sum of twenty pounds.

Fines arising by this act, how recovered and applied.

And be it further enacted, That all fines and forfeitures arising by this act, may be recovered by action of debt, in any Court proper to try the same, one moiety thereof to him or them who shall sue for the same, and the other moiety thereof to the use of the Commonwealth.

Persons to give in a list of rateable estate of which they are possessed on the 1st of Sept. 1784.

And be it further enacted, That every person in each town within this State, shall give in to the Assessors, a list of such rateable estate, agreeable to this act, such person is possessed of, on the first day of *September*, one thousand seven hundred and eighty-four.

Quakers permitted to make affirmation under the pains and penalties of perjury.

Be it also enacted, That all those persons who profess themselves to be Quakers, shall, instead of taking either of the oaths in form aforesaid, if required, be permitted to make his or her solemn affirmation or declaration, under the pains and penalties of perjury. And every Assessor shall be allowed out of the treasury of his respective town, the sum of four shillings, for every day he shall be necessarily employed in doing the duty enjoined by this act.

July 8, 1784.

1784. — Chapter 24.

[May Session, ch. 24.]

Chap. 24 AN ACT TO EMPOWER THE TREASURER OF THIS COMMONWEALTH, TO RECEIVE CERTIFICATES FROM THE COMMISSIONER OF LOANS IN THIS STATE. IN PART OF THE TAXES GRANTED IN COMPLIANCE WITH THE REQUISITION OF CONGRESS, OF *OCTOBER THIRTIETH*, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-ONE, FOR THIS STATE'S PROPORTION OF EIGHT MILLIONS OF DOLLARS; AND TO APPLY A PART OF THE SAID TAXES FOR THE PAYMENT OF THE DEBTS OF THIS COMMONWEALTH.

Preamble.

Whereas the United States in Congress assembled, on the twenty-seventh day of April last, resolved, that no more than one-half of the requisition of October thirtieth, one thousand seven hundred and eighty-one, for eight millions of dollars, should be called into payment within the course of the present year; and on the twenty-eighth day of the same April, further resolved, that of the purposes for which the same was wanting, one fourth part might be effected

by a discount of the demands of the holders of certificates of the Loan Office, and other liquidated debts: And whereas no provision has hitherto been made, for raising this State's proportion of one million two hundred thousand dollars, required and apportioned by the resolutions of Congress, of September the fourth and tenth, one thousand seven hundred and eighty-two, for the purpose of paying the interest of the public debt.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Treasurer of this Commonwealth, be, and he hereby is directed, to receive such certificates as the Commissioner of Loans in this State is, or shall be authorized by Congress, to issue in favour of the holders of loan office certificates, or certificates of other liquidated debts contracted in this State, to the amount of two hundred ninety-three thousand, five hundred and thirty dollars, in part of the said taxes granted in compliance with the resolution of Congress aforesaid, or any other taxes now outstanding, or that may hereafter be levied; the said Treasurer taking care that the collection of specie on the said taxes, shall proceed at least in equal proportion with the operation of discount, by the certificates aforesaid.

Treasurer directed to receive certain certificates, in part, for taxes.

And be it further enacted, by the authority aforesaid, That the Treasurer of this Commonwealth be, and he hereby is authorized and directed, to continue to pay to the Receiver of Continental Taxes, all the monies, or such notes as he has hitherto been authorized to pay the said receiver, as soon as the same shall come into the treasury, until he shall have compleated the sum of three hundred and four thousand, five hundred and ninety-one dollars, since the thirty-first of December last.

Treasurer directed to continue to pay monies, &c. to the Continental receiver.

And be it further enacted by the authority aforesaid, That the Treasurer of the Commonwealth be, and he hereby is further empowered, to apply the sum of one hundred and twenty thousand pounds, part of the second moiety of the taxes granted as aforesaid, in the manner following, to wit. Forty thousand pounds thereof for the payment of the interest of the consolidated securities given by the Treasurer of the Commonwealth, and the residue of the same sum for the discharge of the debts due from this Commonwealth, in the same manner as if the said sum had been originally granted for the sole use of the Commonwealth.

Empowered to apply 120,000l. for certain purposes.

July 9, 1784.

1784. — Chapter 25.

[May Session, ch. 25.]

Chap. 25 AN ACT FOR APPORTIONING AND ASSESSING A TAX OF ONE HUNDRED AND FORTY THOUSAND POUNDS, FOR THE SOLE PURPOSE OF REDEEMING THE ARMY NOTES, ISSUED PURSUANT TO AN ACT OF THIS STATE, PASSED THE FIFTH DAY OF JULY, 1781, AND PAYABLE IN THE YEARS 1784, AND 1785, AND FOR RAISING THE FURTHER SUM OF ELEVEN THOUSAND AND THIRTY-FIVE POUNDS, SIX SHILLINGS AND SIX PENCE, FOR THE PURPOSE OF REPLACING THE SAME SUM WHICH HATH BEEN PAID OUT OF THE TREASURY TO THE REPRESENTATIVES, FOR THEIR ATTENDANCE ON THE FIVE LAST SESSIONS OF THE GENERAL COURT, *VIZ.* FROM NOVEMBER, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO, TO MARCH, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR.

Preamble.

Whereas it is necessary that provision be made for the payment of the army notes, issued by the Treasurer of this Commonwealth, pursuant to an act passed the fifth day of July, 1781 :

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That each town and other place within this Commonwealth, be assessed and pay the sum with which it is charged in the schedule of this act, viz.

Each town
assessed as
charged in the
schedule.

COUNTY OF SUFFOLK.

TOWNS.		Tax.	Representatives pay.
		£. s. d.	£. s. d.
BOSTON,	Seven thousand nine hundred and seventy-four pounds three shillings and four pence	7374 3 4	428 12
Roxbury,	One thousand two hundred and sixty-one pounds fifteen shillings	1261 15 0	72 11
Dorchester,	One thousand and forty-seven pounds thirteen shillings and four pence	1047 13 4	75 4
Milton,	Six hundred and thirteen pounds one shilling and eight pence	613 1 8	35 0
Weymouth,	Six hundred and nine pounds eleven shillings and eight pence	609 11 8	62 18
Hingham,	Eight hundred and forty-three pounds ten shillings	843 10 0	67 15
Braintree,	One thousand three hundred and fifty-one pounds	1351 0 0	69 13
Brookline,	Four hundred and ninety-nine pounds eighteen shillings and four pence	499 18 4	23 9
Dedham,	One thousand one hundred and seventy pounds three shillings and four pence	1170 3 4	88 3
Needham,	Four hundred and ninety-two pounds eighteen shillings and four pence	492 18 4	62 12
Medfield,	Three hundred and ninety pounds seven shillings and eleven pence	390 7 11	57 19
Stoughton,	Nine hundred and twenty-six pounds six shillings and eight pence	926 6 8	82 13
Wrentham,	Six hundred and thirty-eight pounds three shillings and four pence	638 3 4	67 3
Walpole,	Three hundred and ninety-seven pounds nineteen shillings and seven pence	397 19 7	
Sturton,	Three hundred and eighty-seven pounds nine shillings and seven pence	387 9 7	
Coltasset,	Three hundred and twelve pounds one shilling and eight pence	312 1 8	70 12
Franklin,	Four hundred and sixty pounds five shillings	460 5 0	71 8
Medway,	Four hundred and fifty pounds six shillings and eight pence	450 6 8	74 14
Bellingham,	Two hundred and fifty pounds nineteen shillings and seven pence	250 19 7	58 18
Hull,	Ninety-eight pounds	98 0 0	
Chelsea,	Two hundred and ninety-four pounds	294 0 0	14 0
Foxborough,	Two hundred and two pounds eight shillings and four pence	202 8 4	35 0
Total,	Twenty thousand six hundred and seventy-two pounds three shillings and four pence	20672 3 4	

COUNTY OF ESSEX.

TOWNS.		Tax.	Representatives pay.
		£. s. d.	£. s. d.
<i>Salem</i> ,	Three thousand one hundred and eleven pounds fifteen shillings and ten pence .	3111 15 10	182 15 6
<i>Dunvers</i> ,	One thousand and twenty-eight pounds two shillings and six pence .	1028 2 6	54 13
<i>Newbury</i> ,	One thousand five hundred and fifty-six pounds three shillings and nine pence .	1556 3 9	79 2
<i>Newburyport</i> ,	One thousand nine hundred and seven pounds fifteen shillings and ten pence .	1907 15 10	184 8
<i>Beverly</i> ,	One thousand four hundred and seventeen pounds ten shillings .	1417 10 0	16 16
<i>Ipswich</i> ,	One thousand eight hundred and two pounds eighteen shillings and nine pence .	1802 18 9	113 19
<i>Marblehead</i> ,	One thousand and thirty-four pounds thirteen shillings and nine pence .	1034 13 9	61 13
<i>Gloucester</i> ,	One thousand and ninety-three pounds nine shillings and two pence .	1093 9 2	11 7 10
<i>Lynnfield</i> ,	One hundred and ninety-seven pounds eleven shillings and five pence .	197 11 5	40 1 2
<i>Lynn</i> ,	Six hundred and ninety-four pounds fifteen shillings and eight pence .	694 15 8	76 1 6
<i>Andover</i> ,	One thousand four hundred and sixty-six pounds fifteen shillings and ten pence .	1466 15 10	35 14
<i>Rowley</i> ,	Eight hundred and thirty-four pounds six shillings and three pence .	834 6 3	77 8
<i>Haverhill</i> ,	Nine hundred and forty-three pounds ten shillings and ten pence .	943 10 10	50 1
<i>Topshfield</i> ,	Four hundred and forty pounds seventeen shillings and one penny .	440 17 1	50 1
<i>Salisbury</i> ,	Seven hundred and twenty-one pounds two shillings and eleven pence .	721 2 11	41 12
<i>Almsbury</i> ,	Six hundred and fifty-seven pounds fourteen shillings and two pence .	657 14 2	25 4
<i>Boxford</i> ,	Five hundred and fifty pounds nineteen shillings and two pence .	550 19 2	37 2
<i>Bradford</i> ,	Six hundred and twenty-two pounds eight shillings and four pence .	622 8 4	74 11
<i>Methuen</i> ,	Five hundred and thirty pounds seven shillings and eleven pence .	530 7 11	25 18
<i>Wenham</i> ,	Two hundred and seventy-four pounds three shillings and four pence .	274 3 4	
<i>Manchester</i> ,	One hundred and sixty-five pounds one shilling and eight pence .	165 1 8	
<i>Middleton</i> ,	Three hundred and sixty-seven pounds fifteen shillings and ten pence .	367 15 10	
Total,	Twenty-one thousand four hundred and twenty pounds	21420 0 0	

COUNTY OF MIDDLESEX.

		£.	s.	d.	£.	s.	d.	£.	s.	d.
Cambridge,	Nine hundred and sixty-six pounds eleven shillings and eight pence . . .	966	11	8	966	11	8	966	11	8
Charlston,	Two hundred and ninety-four pounds eleven shillings and eight pence . . .	294	11	8	294	11	8	294	11	8
Watertown,	Five hundred and four pounds eleven shillings and eight pence . . .	504	11	8	504	11	8	504	11	8
Woburn,	Seven hundred and sixty-two pounds eight shillings and four pence . . .	762	8	4	762	8	4	762	8	4
Concord,	Six hundred and thirty-two pounds eighteen shillings and four pence . . .	632	18	4	632	18	4	632	18	4
Norwich,	Six hundred and sixty-six pounds three shillings and four pence . . .	666	3	4	666	3	4	666	3	4
Reading,	Seven hundred and thirty-six pounds fifteen shillings . . .	736	15	0	736	15	0	736	15	0
Marlborough,	Eight hundred and thirty-seven pounds thirteen shillings and four pence . . .	837	13	4	837	13	4	837	13	4
Billerica,	Five hundred and sixty-seven pounds . . .	567	0	0	567	0	0	567	0	0
Framingham,	Seven hundred pounds . . .	700	0	0	700	0	0	700	0	0
Lewington,	Four hundred fifty-three pounds sixteen shillings and eight pence . . .	453	16	8	453	16	8	453	16	8
Chelmsford,	Four hundred and eighty-eight pounds sixteen shillings and eight pence . . .	488	16	8	488	16	8	488	16	8
Sherburne,	Four hundred and three pounds thirteen shillings and four pence . . .	403	13	4	403	13	4	403	13	4
Sudbury,	Five hundred and twenty-eight pounds ten shillings . . .	528	10	0	528	10	0	528	10	0
Malden,	Three hundred and ninety-seven pounds sixteen shillings and eight pence . . .	397	16	8	397	16	8	397	16	8
Wiston,	Four hundred and fifty-one pounds ten shillings . . .	451	10	0	451	10	0	451	10	0
Medford,	Five hundred forty-nine pounds ten shillings . . .	549	10	0	549	10	0	549	10	0
Hopkinton,	Four hundred and thirty-two pounds sixteen shillings and eight pence . . .	432	16	8	432	16	8	432	16	8
Wassford,	Four hundred and eighty-eight pounds sixteen shillings and eight pence . . .	488	16	8	488	16	8	488	16	8
Ston,	Two hundred and ninety-two pounds sixteen shillings and eight pence . . .	292	16	8	292	16	8	292	16	8
Groton,	Seven hundred and forty-six pounds thirteen shillings and four pence . . .	746	13	4	746	13	4	746	13	4
Shirley,	Two hundred and twenty-six pounds six shillings and eight pence . . .	226	6	8	226	6	8	226	6	8
Pepperell,	Four hundred and three pounds thirteen shillings and four pence . . .	403	13	4	403	13	4	403	13	4
Walham,	Four hundred and forty-six pounds five shillings . . .	446	5	0	446	5	0	446	5	0
Townsend,	Three hundred and forty-two pounds eight shillings and four pence . . .	342	8	4	342	8	4	342	8	4
Dracut,	Three hundred and fifty-four pounds one shilling and eight pence . . .	354	1	8	354	1	8	354	1	8
Bellford,	Three hundred and eleven pounds ten shillings . . .	311	10	0	311	10	0	311	10	0
Holliston,	Four hundred and eighteen pounds sixteen shillings and eight pence . . .	418	16	8	418	16	8	418	16	8
Acton,	Three hundred and twenty-two pounds . . .	322	0	0	322	0	0	322	0	0
Dunstable,	Three hundred and forty-one pounds sixteen shillings and eight pence . . .	341	16	8	341	16	8	341	16	8
Lincoln,	Three hundred and thirty pounds fifteen shillings . . .	330	15	0	330	15	0	330	15	0
Wilmington,	Two hundred and seventy-seven pounds thirteen shillings and four pence . . .	277	13	4	277	13	4	277	13	4
Tewksbury,	Three hundred and twenty-six pounds one shilling and eight pence . . .	326	1	8	326	1	8	326	1	8

COUNTY OF MIDDLESEX—CONCLUDED.

TOWNS.		Tax.	Representatives pay.
		£. s. d.	£. s. d.
<i>Littleton</i> ,	Four hundred and thirty-five pounds three shillings and four pence	435 3 4	42 14
<i>Ashby</i> ,	One hundred and ninety-one pounds six shillings and eight pence	191 6 8	
<i>Matick</i> ,	Two hundred and sixty-one pounds eighteen shillings and four pence	261 18 4	
<i>Carlsle</i> ,	Two hundred and fifty-two pounds	252 0 0	43 15
<i>Stonham</i> ,	One hundred and seventy-three pounds five shillings	173 5 0	
<i>East Sudbury</i> ,	Three hundred and eighty-seven pounds eighteen shillings and four pence	387 18 4	41 13
<i>Borborough</i> ,	One hundred and twenty-five pounds eight shillings and four pence	125 8 4	
Total,	Seventeen thousand eight hundred and thirty-one pounds eighteen shillings and four pence	17831 18 4	

COUNTY OF HAMPSHIRE.

		£. s. d.	£. s. d.
<i>Springfield</i> ,	Nine hundred and five pounds eighteen shillings and four pence	905 18 4	93 15
<i>West Springfield</i> ,	Eight hundred and thirty-eight pounds five shillings	838 5 0	40 15
<i>Witbrakam</i> ,	Four hundred and thirty-six pounds six shillings and eight pence	436 6 8	17 2
<i>Northampton</i> ,	Eight hundred and twenty-one pounds six shillings and eight pence	821 6 8	30 5 6
<i>Southampton</i> ,	Two hundred and eighty pounds	280 0 0	72 1
<i>Hadley</i> ,	Four hundred and twenty-six pounds eight shillings and four pence	426 8 4	58 9
<i>South Hadley</i> ,	Two hundred and twelve pounds eighteen shillings and four pence	212 18 4	31 5
<i>Aniherst</i> ,	Four hundred and ten pounds thirteen shillings and four pence	410 13 4	32 4
<i>Granby</i> ,	Two hundred and forty-five pounds eleven shillings and eight pence	245 11 8	58 7
<i>Hatfield</i> ,	Four hundred and ten pounds thirteen shillings and four pence	410 13 4	
<i>Whately</i> ,	One hundred and ninety-nine pounds ten shillings	189 10 0	
<i>Willsborough</i> ,	One hundred and ninety-nine pounds ten shillings	199 10 0	39 10
<i>Westfield</i> ,	Five hundred and seventy-five pounds fifteen shillings	575 15 0	52 16

<i>Deerfield,</i>	Four hundred and seventy-six pounds eleven shillings and eight pence.	476	11	8	65	13
<i>Greenfield,</i>	Three hundred and twenty-one pounds eight shillings and four pence.	321	8	4	59	17
<i>Shelburne,</i>	Two hundred and twenty-four pounds	224	0	0	54	18
<i>Conway,</i>	Four hundred and ten pounds one shilling and eight pence.	410	1	8	9	16
<i>Sunderland,</i>	One hundred and ninety-one pounds six shillings and eight pence	191	6	8	3	10
<i>Montague,</i>	Two hundred and forty-nine pounds one shilling and eight pence	249	1	8	78	9
<i>Northfield,</i>	Three hundred and twenty-four pounds six shillings and eight pence	324	6	8	35	7
<i>Brimfield,</i>	Four hundred and fifty-six pounds three shillings and four pence	456	3	4	46	18
<i>South Brimfield,</i>	Two hundred and sixty-four pounds sixteen shillings and eight pence	264	16	8	46	18
<i>Monson,</i>	Two hundred and seventy-one pounds sixteen shillings and eight pence	271	16	8	27	13
<i>Pelham,</i>	Two hundred and eighty-five pounds sixteen shillings and eight pence	285	16	8	48	13
<i>Greenwich,</i>	Two hundred and sixty-six pounds	266	0	0	50	1
<i>Blanford,</i>	Three hundred and fifty-six pounds eight shillings and four pence	356	8	4	73	18
<i>Palmer,</i>	Two hundred and seventy-eight pounds five shillings	278	5	0	31	17
<i>Granville,</i>	Five hundred and seventeen pounds eight shillings and four pence	517	8	4	42	7
<i>New Salem,</i>	Three hundred and sixty-four pounds	364	0	0	76	6
<i>Belchertown,</i>	Three hundred and seventy-six pounds five shillings	273	5	0	53	18
<i>Coleman,</i>	Two hundred and seventy-three pounds eleven shillings and eight pence	174	8	4	15	15
<i>Ware,</i>	One hundred and seventy-four pounds eight shillings and four pence	287	11	8	44	16
<i>Warwick,</i>	Two hundred and eighty-seven pounds eleven shillings and eight pence	260	3	4	48	6
<i>Barnardston,</i>	Two hundred and sixty pounds three shillings and four pence	168	11	8	35	7
<i>Chester,</i>	One hundred and sixty-eight pounds eleven shillings and eight pence	177	6	8	48	6
<i>Charlemont,</i>	One hundred and seventy-seven pounds six shillings and eight pence	259	0	0	50	6
<i>Ashfield,</i>	Two hundred and fifty-nine pounds	287	0	0	21	
<i>Worthington,</i>	Two hundred and eighty-seven pounds	287	0	0	15	1
<i>Shutesbury & Erving-</i>	Two hundred and five pounds six shillings and eight pence	205	6	8	35	0
<i>shire,</i>	Two hundred and seventy-five pounds eighteen shillings and four pence	275	18	4	138	16
<i>Chesterfield,</i>	Fifty-eight pounds six shillings and eight pence	58	6	8	102	13
<i>Chesterfield Gore,</i>	Two hundred and forty-six pounds fifteen shillings	246	15	0	107	18
<i>Southwick,</i>	One hundred and thirty-eight pounds sixteen shillings and eight pence	138	16	8	106	3
<i>Ludlow,</i>	One hundred and two pounds thirteen shillings and four pence	102	13	4	74	1
<i>Norwich,</i>	One hundred and seven pounds eighteen shillings and four pence	107	18	4	84	0
<i>Leverett,</i>	One hundred and six pounds three shillings and four pence	106	3	4	31	10
<i>West Hampton,</i>	Seventy-four pounds one shilling and eight pence	74	1	8		
<i>Merrifield,</i>	Eighty-four pounds	84	0	0		
<i>Montgomery,</i>						

COUNTY OF HAMPSHIRE — CONCLUDED.

TOWNS.		Tax.	Representatives pay.
		£. s. d.	£. s. d.
<i>Plantation No 7,</i>	Seventy-nine pounds six shillings and eight pence	79 6 8	11 18
<i>Commington,</i>	Two hundred and four pounds fifteen shillings	204 15 0	16 2
<i>Buckland,</i>	Sixty-seven pounds one shilling and eight pence	67 1 8	
Total . . .	Fifteen thousand two hundred and thirty-five pounds ten shillings	15255 10 0	

COUNTY OF PLYMOUTH.

		£. s. d.	£. s. d.
<i>Plymouth,</i>	Five hundred and forty-three pounds thirteen shillings and four pence	543 13 4	24 3
<i>Saltate,</i>	One thousand and nine pounds three shillings and four pence	1009 3 4	57
<i>Duchorough,</i>	Three hundred and thirty-six pounds	336 0 0	65 9
<i>Marshfield,</i>	Four hundred and ninety-eight pounds fifteen shillings	498 15 0	43 8
<i>Bridgewater,</i>	Two thousand and ten pounds fifteen shillings	2010 15 0	63 17
<i>Plimpton,</i>	Four hundred and seventy-six pounds	476 0 0	41 15
<i>Pembroke,</i>	Six hundred and thirty pounds	630 0 0	25 4
<i>Kingston,</i>	Two hundred and thirty-eight pounds eleven shillings and eight pence	238 11 8	61 11
<i>Haver,</i>	Three hundred and thirty-nine pounds ten shillings	339 10 0	16 16
<i>Abington,</i>	Five hundred and sixty pounds	560 0 0	49 16
<i>Halifax,</i>	Two hundred and eighty-five pounds sixteen shillings and eight pence	285 16 8	16 16
<i>Wareham,</i>	Two hundred and forty-one pounds ten shillings	241 10 0	
<i>Widdeborough,</i>	One thousand four hundred and ninety-four pounds ten shillings	1494 10 0	27 19
<i>Rochester,</i>	Six hundred and fifty-four pounds ten shillings	654 10 0	51 2
Total . . .	Nine thousand three hundred and eighteen pounds fifteen shillings	9318 15 0	

COUNTY OF BARNSTABLE.

							£.	s.	d.	£.	s.	d.
Barnstable,	.	.	.	.	.	.	742	0	0	35	3	
Sandwich,	.	.	.	.	.	.	567	0	0	14	7	
Yarmouth,	.	.	.	.	.	.	527	18	4			
Wareh,	.	.	.	.	.	.	397	16	8	19	6	
Eastham,	.	.	.	.	.	.	315	11	8	37	12	
Chatham,	.	.	.	.	.	.	158	1	8	3	10	
Wells,	.	.	.	.	.	.	92	3	4	16	2	
Truro,	.	.	.	.	.	.	177	18	4	8	18	6
Falmouth,	.	.	.	.	.	.	355	5	0	56	13	
Total,	.	.	.	.	.	.	3333	15	0			

COUNTY OF BRISTOL.

							£.	s.	d.	£.	s.	d.
Taunton,	.	.	.	.	.	.	1116	10	0	65	8	
Rehoboth,	.	.	.	.	.	.	1270	10	0	90	1	
Swansey,	.	.	.	.	.	.	742	0	0			
Dartmouth,	.	.	.	.	.	.	2055	13	4	47	15	
Norton,	.	.	.	.	.	.	490	0	0	52	6	
Mansfield,	.	.	.	.	.	.	332	10	0	36	15	
Atleborough,	.	.	.	.	.	.	826	0	0	54	12	
Dighton,	.	.	.	.	.	.	432	16	8	17	3	
Freetown,	.	.	.	.	.	.	518	0	0	24	17	
Raynham,	.	.	.	.	.	.	334	16	8	16	2	
Easton,	.	.	.	.	.	.	369	16	8	7	14	
Berkley,	.	.	.	.	.	.	241	10	0	18	13	
Total,	.	.	.	.	.	.	8730	3	4			

COUNTY OF YORK.

TOWNS.		Tax.	Representatives pay.
		£. s. d.	£. s. d.
York, . . .	Eight hundred and twenty-nine pounds ten shillings	829 10 0	76 13
Kittery, . . .	Nine hundred and six pounds ten shillings . . .	906 10 0	15 8
Wells, . . .	Seven hundred and thirty-five pounds . . .	735 0 0	21 7
Berwick, . . .	Eleven hundred and thirty pounds ten shillings . . .	1130 10 0	72 3
Arundel, . . .	Three hundred and thirty-six pounds . . .	336 0 0	8 16
Bildesford, . . .	Three hundred and twenty-two pounds . . .	322 0 0	60 5
Pepperelborough, . . .	Two hundred and ninety-four pounds . . .	294 0 0	5 12
Massabesee, . . .	Ninety-eight pounds . . .	98 0 0	
Lebanon, . . .	One hundred and ninety-six pounds . . .	196 0 0	
Sandford, . . .	One hundred and ninety-six pounds . . .	196 0 0	
Burton, . . .	Two hundred and twelve pounds six shillings and eight pence . . .	212 6 8	7 14
Cothall, . . .	Eighty-four pounds . . .	84 0 0	
Fryeburgh, . . .	Ninety-eight pounds . . .	98 0 0	59 4
Brownfield, . . .	Thirty-five pounds . . .	35 0 0	
Limerick, . . .	Thirty-five pounds . . .	35 0 0	
Little Falls, . . .	Eighty-four pounds . . .	84 0 0	
Total, . . .	Five thousand five hundred and ninety-one pounds sixteen shillings and eight pence	5591 16 8	

COUNTY OF DUKES COUNTY.

		£. s. d.	£. s. d.
Edgartown, . . .	Three hundred and twenty-six pounds thirteen shillings and four pence . . .	326 13 4	34 6
Chilmark, . . .	Three hundred fifty-one pounds fifteen shillings . . .	351 15 0	16 2
Tisbury, . . .	Two hundred seventy-eight pounds sixteen shillings and eight pence . . .	278 16 8	26 12
Total, . . .	Nine hundred fifty-seven pounds five shillings . . .	957 5 0	

COUNTY OF NANTUCKET.

<i>Shoeburys</i> , . . .	One thousand four hundred and seventy-four pounds one shilling and eight pence . .	£. s. d. 1474 1 8	£. s. d. 101 1
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COUNTY OF WORCESTER.

<i>Worcester</i> , . . .	Eight hundred and three pounds sixteen shillings and eight pence . . .	£. s. d.	£. s. d.
<i>Leicester</i> , . . .	Five hundred and forty-five pounds eight shillings and four pence . . .	803 16 8	83 6
<i>Moulton</i> , . . .	Five hundred and seven pounds ten shillings . . .	545 8 4	16 10
<i>Brookfield</i> , . . .	One thousand one hundred and fifty-five pounds . . .	507 10 0	36 8
<i>Oxford</i> , . . .	Three hundred and sixty-nine pounds five shillings . . .	1155 0 0	79 9
<i>Charlton</i> , . . .	Five hundred and thirty-four pounds six shillings and eight pence . . .	369 5 0	13 6
<i>Sutton</i> , . . .	One thousand one hundred and thirteen pounds . . .	534 6 8	86 3
<i>Leicester</i> , . . .	Three hundred and ninety-nine pounds . . .	1113 0 0	91 1
<i>Spencer</i> , . . .	Five hundred and twenty-three pounds sixteen shillings and eight pence . . .	399 0 0	32 8
<i>Rutland</i> , . . .	Five hundred and twenty-one pounds ten shillings . . .	523 16 8	84 14
<i>Paxton</i> , . . .	Two hundred and seventy pounds one shilling and eight pence . . .	321 10 0	70 5
<i>Oakham</i> , . . .	One hundred and ninety-nine pounds ten shillings . . .	270 1 8	22 10
<i>Barre</i> , . . .	Six hundred and eighty-six pounds eleven shillings and eight pence . . .	199 10 0	
<i>Hubbardston</i> , . . .	Two hundred and fifty-two pounds . . .	686 11 8	44 2
<i>New Braintree</i> , . . .	Three hundred and twenty-eight pounds eight shillings and four pence . . .	232 0 0	
<i>Southborough</i> , . . .	Three hundred and seventy-eight pounds . . .	328 8 4	39 4
<i>Westborough</i> , . . .	Four hundred and eighteen pounds five shillings . . .	378 0 0	41 6
<i>Northborough</i> , . . .	Two hundred and eighty pounds . . .	418 5 0	32 5
<i>Shrewsbury</i> , . . .	Eight hundred and seventy-eight pounds ten shillings . . .	280 0 0	64 1
<i>Lunenburg</i> , . . .	Four hundred and sixty-two pounds . . .	878 10 0	85 11
<i>Fitchburg</i> , . . .	Three hundred and thirty-one pounds eighteen shillings and four pence . . .	462 0 0	63 11
<i>Uxbridge</i> , . . .	Four hundred and seventy-one pounds eighteen shillings and four pence . . .	331 18 4	68 10
<i>Haverd</i> , . . .	Five hundred and twenty-five pounds eleven shillings and eight pence . . .	471 18 4	28 14
<i>Dudley</i> , . . .	Three hundred and seventy-one pounds . . .	525 11 8	35 14
<i>Bolton</i> , . . .	Three hundred and forty-six pounds two shillings and three pence . . .	371 0 0	31 3
		346 2 3	36 15

COUNTY OF WORCESTER — CONCLUDED.

TOWNS.		Tax.	Representatives pay.
		£. s. d.	£. s. d.
Upton, . . .	Three hundred and twenty-two pounds . . .	322 0 0	40 13 6
Sturridge, . . .	Five hundred and sixty pounds . . .	560 0 0	7 0
Leominster, . . .	Three hundred and ninety-nine pounds . . .	399 0 0	82 7
Hartleick, . . .	Six hundred and ninety-three pounds . . .	693 0 0	69 19 6
Halden, . . .	Three hundred and sixty-six pounds eighteen shillings and four pence . . .	366 18 4	46 18
Western, . . .	Three hundred and eighty-five pounds . . .	385 0 0	
Douglas, . . .	Two hundred and eighty-seven pounds . . .	287 0 0	
Grafton, . . .	Four hundred and fifteen pounds eighteen shillings and four pence . . .	415 18 4	16 9
Petersham, . . .	Five hundred and seventy-two pounds sixteen shillings and eight pence . . .	572 16 8	63 19
Royalston, . . .	Two hundred and twenty-three pounds eight shillings and four pence . . .	223 8 4	79 0
Westminster, . . .	Four hundred and fifty-one pounds ten shillings . . .	451 10 0	27 13
Templeton, . . .	Four hundred and twenty pounds . . .	420 0 0	38 10
Princetun, . . .	Three hundred and eighty-five pounds . . .	385 0 0	50 1
Ashburnham, . . .	Two hundred and ten pounds . . .	210 0 0	29 8
Winchendon, . . .	Two hundred and twenty-seven pounds ten shillings . . .	227 10 0	64 1
Northbridge, . . .	One hundred and ninety-six pounds . . .	196 0 0	
Ward, . . .	Two hundred and twenty-four pounds . . .	224 0 0	51 14
Athol, . . .	Three hundred and seventy-three pounds six shillings and eight pence . . .	373 6 8	36 3
Milford, . . .	Three hundred and seventy-one pounds . . .	371 0 0	
Sterling, . . .	Five hundred and forty-four pounds five shillings . . .	544 5 0	34 6
Berlin, . . .	One hundred and eighty-five pounds seventeen shillings and nine pence . . .	185 17 9	
Total, . . .	Twenty thousand four hundred and eighty-six pounds one shilling and eight pence . . .	20486 1 8	

COUNTY OF CUMBERLAND.

		£. s. d.	£. s. d.
Falnmouth, . . .	Six hundred ninety-five pounds eighteen shillings and four pence . . .	695 18 4	37 11
North Yarmouth, . . .	Six hundred thirty-eight pounds three shillings and four pence . . .	638 3 4	56 16 6

Scarborough,	Five hundred twenty pounds six shillings and eight pence	•	•	•	•	520	6	8	37	2
Bruswick,	Two hundred fifty-five pounds ten shillings	•	•	•	•	255	10	0	•	•
Harpwell,	Two hundred seventy-seven pounds one shilling and eight pence	•	•	•	•	277	1	8	37	2
Cape Elizabeth,	Three hundred thirty-six pounds	•	•	•	•	336	0	0	•	•
Gorham,	Four hundred twenty-seven pounds	•	•	•	•	427	0	0	73	1
Windham,	Two hundred fifty-nine pounds	•	•	•	•	259	0	0	•	6
New Gloucester,	Two hundred forty-six pounds three shillings and four pence	•	•	•	•	246	3	4	29	1
Gray,	One hundred and twelve pounds	•	•	•	•	112	0	0	•	0
Pearsontown,	One hundred sixty-three pounds eighteen shillings and four pence	•	•	•	•	163	18	4	•	•
Royalborough,	One hundred fifteen pounds ten shillings	•	•	•	•	115	10	0	•	•
Raymondston,	Fifty-eight pounds six shillings and eight pence	•	•	•	•	58	6	8	•	•
Bakerston,	Forty-nine pounds	•	•	•	•	49	0	0	•	•
Sylveston,	Forty-nine pounds	•	•	•	•	49	0	0	•	•
Bridgeaton,	Sixty-four pounds fifteen shillings	•	•	•	•	64	15	0	•	•
Total,	Four thousand two hundred and sixty-seven pounds thirteen shillings and four pence	•	•	•	•	4267	13	4	•	•

COUNTY OF LINCOLN.

						£.	s.	d.	£.	s.	d.
Pennalborough,	Three hundred six pounds five shillings	•	•	•	•	306	5	0	•	•	•
Georgetown,	Three hundred six pounds five shillings	•	•	•	•	306	5	0	64	5	•
Newcastle,	One hundred eighty-nine pounds	•	•	•	•	189	0	0	55	19	•
Woolwich,	One hundred ninety-seven pounds fifteen shillings	•	•	•	•	197	15	0	•	•	•
Bath,	One hundred sixty-eight pounds	•	•	•	•	168	0	0	•	•	•
Topsban,	One hundred forty-six pounds eight shillings and four pence	•	•	•	•	146	8	4	•	•	•
Bowdoinham,	One hundred and five pounds	•	•	•	•	105	0	0	•	•	•
Pittstown,	Eighty-nine pounds five shillings	•	•	•	•	89	5	0	•	•	•
Hallowell,	One hundred forty pounds	•	•	•	•	140	0	0	•	•	•
Wintthrop,	Eighty-nine pounds five shillings	•	•	•	•	89	5	0	•	•	•
Vassalborough,	Ninety-four pounds ten shillings	•	•	•	•	94	10	0	•	•	•
Winslow,	Ninety-four pounds ten shillings	•	•	•	•	94	10	0	•	•	•
Waldborough,	Two hundred and ten pounds	•	•	•	•	210	0	0	39	11	•
Boothbay,	One hundred sixty-eight pounds	•	•	•	•	168	0	0	25	11	•

COUNTY OF LINCOLN—CONCLUDED.

TOWNS.			Tax.	Representatives pay.
			£. s. d.	£. s. d.
Bristol, .	Two hundred ninety pounds ten shillings	.	290 10	8
Edgemoth, .	One hundred fifty-one pounds one shilling and eight pence .	.	151 1	8
St. Georges, .	One hundred seventeen pounds sixteen shillings and eight pence	.	117 16	8
Meltoncoke, .	Twenty-eight pounds	.	28 0	0
Warren, .	Eighty-four pounds	.	84 0	0
Thomasstone, .	Eighty-four pounds .	.	84 0	0
Waldpole, .	Thirty-eight pounds ten shillings	.	38 10	0
Harwardston, .	Thirty-one pounds ten shillings	.	31 10	0
Xoridgewalk, .	Seventeen pounds ten shillings	.	17 10	0
Stirlington, .	Seventeen pounds ten shillings	.	17 10	0
Leristown, .	Forty-two pounds .	.	42 0	0
Baltham, .	Twenty-one pounds .	.	21 0	0
Wales, .	Ten pounds ten shillings .	.	10 10	0
Total, .	Three thousand two hundred thirty-eight pounds one shilling and eight pence .	.	3238 1 8	

COUNTY OF BERKSHIRE.

			£. s. d.	£. s. d.
Shaftesbury, .	Seven hundred fifty-eight pounds twelve shillings and six pence .	.	758 12 6	39 11
Gt. Barrington, .	Four hundred thirty-five pounds fifteen shillings .	.	435 15 0	56 16
Stochbridge, .	Three hundred seventy-six pounds five shillings .	.	376 5 0	76 1
Pittsfield, .	Five hundred five pounds fifteen shillings	.	505 15 0	27 13
Richmond, .	Four hundred forty-one pounds eleven shillings and eight pence .	.	441 11 8	53 7 6
Lenox, .	Three hundred sixty-six pounds six shillings and eight pence	.	366 6 8	60 7
Windsor, .	Five hundred seventy-nine pounds five shillings .	.	579 5 0	9 12
Adams, .	Four hundred fifty-one pounds ten shillings .	.	451 10 0	42 0

Williamstown,	Four hundred eleven pounds sixteen shillings and eight pence	411	16	8	38	17
Egremont,	Two hundred twenty-six pounds eighteen shillings and four pence	226	18	4	50	11
Becket,	One hundred twenty-four pounds eight shillings and four pence	174	8	4		
West Stockbridge,	One hundred eighty-six pounds thirteen shillings and four pence	186	13	4		
Datford,	One hundred thirty-six pounds ten shillings	136	10	0		
Alford,	One hundred twenty-six pounds five shillings and ten pence	126	5	10		
New Ashford,	Seventy-two pounds six shillings and eight pence	72	6	8		
Tyringham,	Three hundred seven pounds eight shillings and four pence	307	8	4	18	5
Mt. Washington,	Seventy-three pounds ten shillings	73	10	0	13	12
London,	Fifty pounds three shillings and four pence	50	3	4		
Windsor,	Two hundred thirty-two pounds fifteen shillings	232	15	0	38	17
Partridgefield,	One hundred fifty-nine pounds five shillings	159	5	0	40	17
Sandwich,	Four hundred and five pounds eight shillings and four pence	405	8	4	52	8
Haverach,	Two hundred eighty-two pounds six shillings and eight pence	282	6	8	20	6
Washington,	One hundred and twelve pounds two shillings and eleven pence	112	2	11	42	16
Lea,	One hundred eighty-seven pounds five shillings	187	5	0	26	5
New Marlborough,	Three hundred eighty-two pounds ten shillings and five pence	382	10	5	75	11
Total,	Seventy-four hundred forty-two pounds fifteen shillings	7442	15	0		

SUM TOTAL OF EACH COUNTY.

COUNTIES.		Tax.	Representatives pay.
		£. s. d.	
<i>Suffolk,</i>	Twenty thousand six hundred and seventy-two pounds three shillings and four pence,	20672 3 4	
<i>Essex,</i>	Twenty-one thousand four hundred and twenty pounds	21420 0 0	
<i>Middlesex,</i>	Seventeen thousand eight hundred and thirty-one pounds eighteen shillings and four pence	17831 18 4	
<i>Hampshire,</i>	Fifteen thousand two hundred and thirty-five pounds ten shillings	15235 10 0	
<i>Plymouth,</i>	Nine thousand three hundred and eighteen pounds fifteen shillings	9318 15 0	
<i>Barnstable,</i>	Three thousand three hundred and thirty-three pounds fifteen shillings	3333 15 0	
<i>Bristol,</i>	Eight thousand seven hundred and thirty pounds three shillings and four pence	8730 3 4	
<i>York,</i>	Five thousand five hundred and ninety-one pounds sixteen shillings and eight pence,	5591 16 8	
<i>Dukes County,</i>	Nine hundred and fifty-seven pounds five shillings	957 5 0	
<i>Nantucket,</i>	One thousand four hundred and seventy-four pounds one shilling and eight pence	1474 1 8	
<i>Worcester,</i>	Twenty thousand four hundred and eighty-six pounds one shilling and eight pence	20486 1 8	
<i>Cumberland,</i>	Four thousand two hundred and sixty-seven pounds thirteen shillings and four pence,	4267 13 4	
<i>Lincoln,</i>	Three thousand two hundred and thirty-eight pounds one shilling and eight pence	3238 1 8	
<i>Berkshire,</i>	Seven thousand four hundred forty-two pounds fifteen shillings	7442 15 0	
Sum total,	One hundred and forty thousand pounds	£. 140,000 0 0	£. 11,035 16 6

And be it enacted by the authority aforesaid, That the Treasurer of this Commonwealth do forthwith issue his warrant, directed to the selectmen or assessors of each town or other place within this Commonwealth that are taxed, requiring them respectively to assess the sum hereby set upon such town or other place, in manner following, *that is to say*, to assess the male polls above the age of sixteen years, within their respective towns or other places next adjoining to them, belonging to no other town or place, including negroes and mulattoes, and such of them as are under the government of a master or mistress, to be taxed to the said master or mistress respectively, in the same manner as minors and apprentices are taxed, at *eleven shillings and eight pence* each, on the sum contained in the schedule of the tax, and the remainder of the sum set to each town or other place, after deducting the amount of the sums assessed on the polls as aforesaid, on the inhabitants of the said town or other place as aforesaid, according to the just value of the whole real estate by each inhabitant of such town or other place respectively, possessed on the first day of *September* next, in his own right or the right of others, lying within the said town or place, improved or not improved.

Provided always, That where land or other real estate is let or leased out, if the person or persons to whom the same is let or leased, shall refuse or neglect to pay the said assessment for the space of three months from the time prefixed for the payment of such tax; and if the collector or collectors to whom such assessment shall be committed, cannot within the said three months find any estate belonging to such tenant, sufficient to pay the same, then such collector or collectors shall proceed to sell so much of the said real estate as will amount to the tax set on such estates, together with the charges of such sale, in the same manner as is provided by this act for the sale of lands belonging to non-resident proprietors for the payment of taxes, and also on the inhabitants of such town or place according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, (excepting only such monies as are lent to government, and by an act of government exempted from taxation) monies of all kinds in hand, and also the amount of the just value of all goods, wares and merchandize, stock in trade,

vessels of all sorts, with their stores, appurtenances and appendages, plate, horses, oxen, and cattle of all sorts and ages, sheep, swine and grain of all sorts, and all kind of produce of the land, and all other property whatsoever, excepting household furniture, wearing apparel, farming utensils, and the tools of mechanics, on the first day of *September* next; and the assessors in their respective towns or other places shall estimate all the before enumerated articles at six per cent. upon the real value of the same in the places where they are, except what is justly denominated unimproved lands, which shall be estimated at two per cent. on the real value only; and on the amount of their income from any profession, faculty, handicraft, trade, or employment, and also on the amount of all their incomes and profits gained by trading by sea and on shore: And the Treasurer in his said warrant shall likewise require the several assessors to make a fair list of the said assessment, setting forth in distinct columns against each person's name how much he or she is assessed at for polls, how much for real estate, how much for personal estate, and how much for faculty as aforesaid; and if as guardian for any estate in his or her improvement in trust, to be distinctly expressed, and shall also insert upon their rate bills the number of acres of unimproved land which they have taxed on each of the non-resident proprietors of lands within their respective towns or other places, and also the value at which they have estimated the same; and the list or lists so perfected and signed by them, or the major part of them, to commit to the collector or collectors, constable or constables of any such town or place, and to return a certificate of the name or names of such collector or collectors, constable or constables, with the sum total to each of them respectively committed unto himself, some time before the first day of *December* next; and on the failure thereof, each assessor so refusing or neglecting his duty herein, shall be subject to pay a fine of twenty pounds, to be recovered by execution from the Treasurer of this Commonwealth for the time being, which fine shall be paid into the treasury of this Commonwealth for defraying the public charges thereof; and in case of neglect by the assessors, in making returns as aforesaid, the Treasurer of this Commonwealth is hereby empowered and directed to send his execution accordingly, unless such assessors shall make it appear .

that their rate bills were compleated and delivered to the collectors before the said first day of *December*. And the Treasurer for the time being, on receipt of such certificate, is hereby empowered and directed, to issue forth his warrants to the several collectors or constables of such towns or other places, requiring him or them respectively to collect the whole of the respective sums assessed on each particular person, and to pay in the whole amount of the lists committed to them in manner aforesaid, on or before the first day of *April* next ensuing.

Provided nevertheless, That the following persons, *viz.* The President, Fellows, Professors, Tutors, Librarian, and Students of *Harvard College*, who have their usual residence there, and settled Ministers of the Gospel, and Grammar School Masters, are not to be assessed for their polls or estates, unless their real estate be not under their actual management and improvement, or not in the parish where they are settled; and also all persons who have the management or improvement of the estate of *Harvard College*, are not to be assessed for the same; and if there be any other persons who through age, infirmity or poverty, are unable to pay as others towards the public charges, or any widows or orphans, who depending on the interest of their money for subsistence have, by the state of the currency been so reduced, as that in the judgment of the assessors they ought to be relieved in their taxes; in any such case the assessors may exempt their polls or estates, or abate any part of what they are set at, as they on their oaths shall think just and equitable. And the Court of General Sessions of Peace in the several counties, in apportioning a county tax or assessment, are hereby directed to apportion the same on the several towns and other places in such county, in proportion to their tax, as expressed in the schedule of this act; and the assessors in each town in this Commonwealth are also directed in making a town or county rate or assessment, to govern themselves by the same rule, and when no person appears to discharge the taxes on non-resident proprietors of improved or unimproved lands to the Collector, he shall publish it in one of the *Boston* newspapers, *viz.* *Adams* and *Nourse's Independent Chronicle*, three weeks at least successively, the names of all such proprietors when they are known, with the amount of the taxes assessed on their lands respectively, and also the

time and place of sale ; and when they are not known, he shall in the same manner, publish the sum of the taxes on the several rights or divisions ; and in case he shall post the same in some convenient and public place in the town where the same land lies, for the space of one month, and if no person shall appear thereupon to discharge the said taxes and necessary intervening charges, then the Collector or Constable shall proceed to sell at Public Vendue, to the highest bidder, after having waited two hours, (after the time appointed for the said sale) so much only of the said improved or unimproved lands as will be sufficient to discharge the said taxes, and all necessary intervening charges, having first given notice of the intended sale thereof, and the time and place where it will be made, and shall have power to adjourn from day to day if necessary to compleat the said sale, not exceeding three days, (waiting as aforesaid) and shall give and execute a deed to the purchaser or purchasers, expressing therein the cause of such sale, and saving to the aforesaid proprietor or proprietors the right of redemption of any lands so sold, at any time within two years from the time of such sale, and the same shall be conveyed to him or them, on paying within two years as aforesaid, the sum such land sold for, and twelve per cent. per annum added thereto on the said sum, together with all necessary charges thereon.

Provided always, That the said purchaser or purchasers shall not make any strip or waste on the premises until the time of redemption hath expired ; and if the said purchaser or purchasers shall make any strip or waste on the premises as aforesaid, he or they shall be liable to pay all damages to the original owner or owners, in as ample a manner as though he or they had not purchased the same.

Be it further enacted by the authority aforesaid, That the assessors of each town or other place respectively, in convenient time before the assessment, shall give seasonable warning to the inhabitants, in any town meeting, or by posting up notifications in some place or places in such town or other place, or notify the inhabitants some other way, to make and bring in to the assessors true and perfect lists of polls, and of all the real and personal estate they are possessed of, on the first day of *September* next, agreeable to the description of real and personal estate,

and income from profession, faculty, handicraft, trade or employment as aforesaid; and if any person or persons shall not bring in a list of their estates in manner aforesaid to the Assessors, he, she or they so neglecting or refusing, shall not be admitted to make application to the Court of General Sessions for any abatement of the assessment laid on him, her or them; and if the Assessors suspect any falsehood in the list to them presented, of polls and real and personal estate, then the Assessors shall require the person presenting such list, to make solemn oath respecting the same, (which oath the several Assessors are hereby empowered to administer) such list being exhibited on oath shall be a rule of that person's proportion of the tax who presented the same, which the Assessors may not exceed, unless the Assessors shall discover some error therein.

Be it further enacted by the authority aforesaid, That when any town have been incorporated or divided, or families taken from one town and annexed to another, since the valuation of *March* sixth, One thousand seven hundred and eighty-two, and are not particularly assessed their proportion in this act, they shall be considered as belonging to the town or towns from whence they were taken; and the Assessors are hereby directed to govern themselves accordingly.

Provided nevertheless, That where any town has been divided and made into two districts or towns, the Selectmen or Assessors of both such towns may agree and make a division of the sum set upon such town, and assess the same accordingly upon their respective towns, and make return into the Treasurer's office of their doings; and in such case the Treasurer is hereby directed, to send his warrants to the Collectors or Constables of both such towns, requiring them to collect the same, and to pay into the treasury in the same manner that he doth to the other Collectors or Constables.

And whereas there are many persons who dwell or reside in some towns within this Commonwealth, but are engaged in trade, and negotiate their business almost entirely in other towns, and there hire stores, shops or wharves; and it is apparent that the Assessors of the towns where such persons reside or dwell, cannot be so well acquainted with the business transacted by them as the Assessors of the town where the same is done:

Be it therefore enacted by the authority aforesaid, That all persons within the description aforesaid, shall be assessed and pay taxes for such of their goods, wares and merchandize, stock in trade, ships and vessels, as are sold, used, or improved in the towns where they hire stores, shops or wharves, or transact the principal part of their business, and for their faculties exercised there, and not in the towns where they live, and shall accordingly give in, on oath if required, a list of their whole estate to the Assessors of the respective towns, distinguishing what part thereof is rateable in each town, and in default thereof, shall be doomed by the Assessors respectively ; *Provided*, That this clause be not in any case so construed as to enable any town to tax any inhabitant of any other town, for any estate for which such town has been charged in the last valuation.

Be it enacted by the authority aforesaid, That the army notes (so called) issued by the Treasurer of this Commonwealth, pursuant to an act passed the fifth day of *July, A. D.* One thousand seven hundred and eighty-one, and payable in the years One thousand seven hundred and eighty-four, and One thousand seven hundred and eighty-five, shall be received of the inhabitants of this Commonwealth, in discharge of the tax granted by this act ; and the Treasurer, and Collectors and Constables, in the respective towns or other places, are hereby directed to govern themselves accordingly : and the Treasurer is hereby directed and empowered to allow interest upon the notes which may be paid into the treasury in discharge of this tax, to and including the first day of *April* next, and not afterwards.

And whereas by the act passed the fifth day of July, One thousand seven hundred and eighty-one, it is enacted, “ That if the General Court shall not some time before the first day of August, in each of the years last mentioned, (viz. : One thousand seven hundred and eighty-three, One thousand seven hundred and eighty-four, and One thousand seven hundred and eighty-five,) agree and conclude upon a tax act, apportioning the sum to be paid in each of the said years respectively, then and in such case the Treasurer of this Commonwealth is empowered and directed, some time in the month of September, in each of the said years, to issue and send forth his warrants, directed to the Selectmen or Assessors of such town or other

incorporated place, as was taxed by the General Court in the tax act next preceding, or to some suitable person in such places as are not incorporated, requiring them to assess the polls and estates within their limits respectively, for their full parts and proportions of the sums before directed and engaged to be assessed, to be paid into the treasury on or before the first day of October, in such years respectively." And as government presume the remainder of the notes payable in One thousand seven hundred and eighty-four, and One thousand seven hundred and eighty-five, and not in this act specially provided for, will be received for the unlocated lands belonging to this Commonwealth:

Be it therefore enacted by the authority aforesaid, That the Treasurer of this Commonwealth be, and he is hereby directed, to suspend the issuing his warrants for the payment of the remainder of the said notes, due in the year One thousand seven hundred and eighty-five, as pointed out in the said act of the fifth day of *July*, One thousand seven hundred and eighty-one, until the further order of the General Court.

And whereas the Treasurer of this Commonwealth did, by virtue of the aforesaid act, issue his warrants, on the nineteenth day of April, One thousand seven hundred and eighty-four, directed to the Selectmen or Assessors of the several towns in this Commonwealth, requiring them to assess on the inhabitants thereof, Thirty-seven thousand pounds, for the purpose of discharging the army notes, payable in the year One thousand seven hundred and eighty-four, and a compliance therewith at this time is impracticable:

Be it therefore enacted by the authority aforesaid, That the Selectmen or Assessors of the several towns or other places within this Commonwealth, shall be, and they hereby are respectively discharged from the duties required by the said Treasurer's warrants aforesaid, provided they have not proceeded to assess their several towns or other places agreeable to the directions given in the said warrants. And in case the Selectmen or Assessors have proceeded to assess the inhabitants of their respective towns in manner pointed out in the said warrant:

Be it enacted by the authority aforesaid, That the said Assessors be, and they hereby are respectively empowered and directed, to recall the said assessments made as aforesaid, previous to their proceeding to assess this tax, in

manner herein before directed; and in all cases where assessments have been made in pursuance of the said warrant, the same shall be, and hereby are declared void; and the Constables and Collectors to whom the same have been or may be committed, are hereby prohibited and forbidden to proceed in the collection thereof.

And be it enacted by the authority aforesaid, That the Assessors of those towns who are charged in this act with the pay of the members of the House of Representatives, be, and they are hereby directed, to assess the polls in their several towns, an additional sum in proportion to the sum set on the polls, on the sum of One hundred and forty thousand pounds, as is herein before directed.

And be it enacted by the authority aforesaid, That the holders of the soldiers notes receivable in this tax, shall be allowed interest for the same until the first day of April, One thousand seven hundred and eighty-five.

July 9, 1784.

1784. — Chapter 26.

[October Session, ch. 1.]

Chap. 26 AN ACT ASCERTAINING THE RATES AT WHICH COINED SILVER AND GOLD, AND ENGLISH HALF-PENCE AND FARTHING, MAY PASS WITHIN THIS COMMONWEALTH.

Preamble.

Whereas the rate of gold has been altered by the legislature of several of the United States, and it now passes at an higher rate in most of them, than it does in this State, whereby the circulating currency here has been much diminished, and there is great danger that all the gold now passing will be sent out of the State; and it is also useful to establish the rate of certain silver coins:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority, of the same, That in the payment of all taxes which shall hereafter be received into the treasury of this Commonwealth, and in the payment of all debts, coined gold and silver shall be received, and be a lawful tender at the rates following, *to wit:*

Rates at which
coined gold, &c.
shall be a lawful
tender.

An English or French Crown, at six shillings and eight pence, and all divisions of such crowns in proportion.

A Spanish milled Dollar, at six shillings, and all divisions of such dollars in proportion.

An English Guinea, of the weight of five penny weight and six grains, at twenty-eight shillings, and all divisions of such guineas in equal proportion.

A French Guinea, of the weight of five penny weight and six grains, at twenty-seven shillings and four pence.

A coin of Portugal, commonly called a Johannes, of the weight of eighteen penny weight, at four pounds sixteen shillings, and all divisions of such Johannes in like proportion.

A Moidore, of the weight of six penny weight eighteen grains, at thirty-six shillings, and all divisions of moidores in like proportion.

A four pistole piece, called a Doubloon, of the weight of sixteen penny weight twelve grains, at four pounds eight shillings, and all divisions of the same coin in like proportion.

Three English farthings at a penny, and English half-pence in proportion.

And be it further enacted by the authority aforesaid, That all pieces of coined gold, before herein enumerated, and which shall weigh more or less than is by this act established as their current weight, shall be received in payment for the taxes hereafter to be received into the treasury of this Commonwealth, and in all debts, for a sum proportioned to the value of gold as hereby stated, *to wit*, at five pounds six shillings and eight pence by the ounce, any law, usage or custom to the contrary notwithstanding.

And be it enacted by the authority aforesaid, That so much of an act, entitled, “An act for ascertaining the rates at which coined silver and gold, and English half-pence and farthings, may pass within this Government,” as respects the rate at which coin gold shall pass within this State, and enacts a penalty for passing the same at an higher rate than is in the said act established; and also an act, entitled, “An act in addition to an act made and passed in the twenty-third year of his late Majesty, George the second, entitled an act for ascertaining the rates at which coined silver and gold, and English half-pence and farthings, may pass within this government,” be, and the same are hereby repealed and made null and void.

Two former
acts repealed.

October 26, 1784.

1784. — Chapter 27.

[October Session, ch. 2.]

Chap. 27 AN ACT FOR INCORPORATING THE CONGREGATIONAL CHURCH IN THE TOWN OF CHARLTON, WITH CERTAIN OTHER INHABITANTS OF THE SAID TOWN, INTO A DISTINCT PARISH.

Preamble.

Whereas the congregational church in the town of Charlton, have signified their desire to be incorporated with certain other inhabitants of the said town into a distinct parish, which in their present circumstances may have a tendency to promote religion and morality among them:

Church incorporated.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the members of the said Congregational church in Charlton, and such other inhabitants of the said town who shall in writing by them signed in the book of the records of the said parish, signify their desire of belonging to the said parish, together with all their families and estates, be, and they are hereby incorporated into a distinct parish by the name of the Congregational Parish in Charlton, and are hereby invested with all the powers, privileges, and immunities with which other parishes or precincts within this Commonwealth are by law invested.

Jacob Davis, Esq; to call a meeting.

And be it further enacted by the authority aforesaid, That Jacob Davis, Esq; be, and he is, hereby authorized on application therefor, to issue his warrant directed to some principal parishioner of the same parish, requiring him to give warning to the aforesaid parishioners qualified to vote in parish affairs, to meet at some convenient time and place to chuse all such officers as parishes are by law authorized to chuse in the month of March annually.

October 26, 1784.

1784. — Chapter 28.

[October Session, ch. 3.]

Chap. 28 AN ACT PRESCRIBING FORMS OF WRITS IN CIVIL CAUSES, AND DIRECTING THE MODE OF PROCEEDING THEREIN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in all civil actions the original process in the following cases betwixt party and party, shall be made out in the forms following, that is to say, —

[*Summons.*]COMMONWEALTH OF *Massachusetts.*[SEAL.] *S*——, ss.

To the Sheriff of our county of S——, or his Deputy.
Greeting.

We command you, that you summon *A. B. of C.* Summons.
 [addition] (if he may be found in your precinct) to
 appear before our Justices of our Court of
 to be holden at *B* within and for our said county of *S*.
 on the Tuesday of , then and there in our said
 Court to answer to *D. E. of R.* within our county of *M*.
 [addition] in a plea of to the damage
 of the said *D. E.* (as he saith) the sum of
 pounds, which shall then and there be made to appear,
 with other due damages. And have you there this writ,
 with your doings therein. Witness *E. H. Esq*; at *B*.
 the day of in the year of our LORD, .
A. D. Clerk.

[*Capias, or Attachment.*]COMMONWEALTH OF *Massachusetts.*[SEAL.] *S*——, ss.

To the Sheriff of our county of S——, or his Deputy.
Greeting.

We command you to attach the goods or estate of *R.* Capias or At-
tachment.
F. of B. within our county of *S*——, [addition] to the
 value of pounds, and for want thereof to take the
 body of the said *R. F.* (if he may be found in your pre-
 cinct) and him safely keep, so that you have him before
 our Justices of our Court of , next to be
 holden at *B*. within and for our said county of *S*. on the
 Tuesday of , then and there in our said Court,
 to answer unto *D. S. of R.* within our county of *M*.
 [addition] in a plea of to the damage of the
 said *D. S.* (as he saith) the sum of pounds,
 which shall then and there be made to appear, with other
 due damages. And have you there this writ, with your
 doings therein. Witness *E. H. Esq*; at *B*. the
 day of in the year of our LORD, .
A. D. Clerk.

[*Summons when goods are attached.*]

COMMONWEALTH OF *Massachusetts.*

[SEAL.] *S*——, ss.

To A. B. of B. within our county of S——, [*addition.*]
Greeting.

Summons when
goods are
attached.

We command you, that you appear at our next Court of _____, to be holden at *B.* within and for our county of *S.* aforesaid, on the _____ Tuesday of _____, then and there to answer to *C. D.* of *R.* within our county of *M.* [*addition*] in a plea of _____ which plea the said *C. D.* hath commenced against you, to be heard and tried at the said Court; and your goods or estate are attached to the value of _____ pounds, for security to satisfy the judgment which the said *C. D.* may recover upon the aforesaid trial. Fail not of appearance at your peril. Witness *E. H. Esq*; at *B.* the _____ day of _____, in the year of our LORD, _____.

A. D. Clerk.

[*Execution.*]

COMMONWEALTH OF *Massachusetts.*

[SEAL.] *S*——, ss.

To the Sheriff of our county of S——, or his Deputy.
Greeting.

Execution.

Whereas *C. L.* of *R.* within our county of *S.* [*addition*] by the consideration of our Justices of our Court of _____, holden at *B.* for and within our county of *S.* aforesaid, on the _____ Tuesday of _____, recovered judgment against *D. T.* of *B.* in the county of *M.* [*addition*] for the sum of _____ pounds _____ shillings and _____ pence, debt or damage, and _____ pounds _____ shillings and _____ pence, costs of suit, as to us appears of record, whereof execution remains to be done: We command you, therefore, that of the goods, chattels or lands of the said *D. T.* within your precinct, you cause to be paid and satisfied unto the said *C. L.* at the value thereof in money, the aforesaid sum, being _____ pounds _____ shillings and _____ pence, in the whole, with _____ shillings more for this writ, and thereof also to satisfy yourself for your own fees. And for want of goods, chattels or lands of the said *D. T.* to be by him shewn unto you, or found within your precinct, to the acceptance of the said *C. L.* to satisfy the sums aforesaid, we

command you to take the body of the said *D. T.* and him commit unto our goal in *B.* in our county of *S.* aforesaid, and detain in your custody within our said goal, until he pay the full sums above mentioned, with your fees, or that he be discharged by the said *C. L.* the creditor, or otherwise by order of law. Hereof fail not, and make return of this writ, with your doings therein. Witness *E. H.* Esq; at *B.* the day of in the year of our LORD, .

A. D. Clerk.

And be it enacted by the authority aforesaid, That the writ for putting such into possession of any land or tenements as shall recover judgment for the same, and for levying the cost and damages recovered upon such suit, commonly called a writ of Facias habere Possessionem, and writ of Fieri Facias; as also the writ of Scire Facias, to be issued out of the Supreme Judicial Court, or Court of Common Pleas, respectively, shall be from time to time granted and issued in the form following, that is to say, —

[*Writ of Facias habere Possessionem and Fieri Facias.*]

COMMONWEALTH OF *Massachusetts.*

[SEAL.] *S—*, ss.

To the Sheriff of our county of S—, or his Deputy,
Greeting.

Whereas *A. B.* of *C.* [addition] before our Justices of our Court of holden for or within our county of *S.* aforesaid, at *B.* upon the day of by the consideration of our said Court, recovered judgment for his title and possession of and in a certain messuage or tenement with the appurtenances, or acres of land, with the appurtenances and privileges, lying and being in the town of *D.* against *E. F.* of *G.* [addition] who had unjustly withheld, put out or amoved the said *A. B.* from his possession thereof; and also at the said Court recovered judgment for pounds shillings and pence, for costs and damages, which he sustained by reason of the same, as to us hath been made to appear of record. We command you therefore, that without delay, you cause the said *A. B.* to have possession of and in the said messuage or tenement, with the appurtenances; or the said acres of land, with the

Writ of Facias
habere Posse-
sionem and
Fieri Facias.

appurtenances and privileges: We also command you, that of the goods, chattels or lands of the said *E. F.* within your precinct, at the value thereof in money, you cause the said *A. B.* to be paid and satisfied the aforesaid sum of pounds shillings and pence, which to the said *A. B.* was adjudged for his costs and damages, with shillings more for this writ, and thereof also to satisfy yourself for your own fees. And for want of such goods, chattels or lands of the said *E. F.*, to be by him shewn unto you or found within your precinct, to the acceptance of the said *A. B.* to satisfy the aforesaid sum: We command you to take the body of the said *E. F.* and him commit unto our goal, in *B.* in our county of *S.* aforesaid, and detain in your custody within our said goal, until he pay the full sum abovementioned with your fees; or that he be discharged by the said *A. B.* or otherwise by order of law. Hereof fail not, and make return of this writ with your doings therein. Witness *E. H.* Esq; at *B.* the day of in the year of our LORD, .
A. D. Clerk.

[*Writ of Scire Facias.*]

COMMONWEALTH OF *Massachusetts.*

[SEAL.] *S*——, ss.

To the Sheriff of our county of S——, or his Deputy,
Greeting.

Writ of Scire
 Facias.

Whereas *C. D.* of *B.* [addition] before our Justices of our Court of holden for or within our said county of *S.* at *B.* on the day of in the year of our Lord, by the consideration of our said Justices, recovered against *A. B.* of *E.* [addition] the sum of pounds shillings and pence, debt or damage; and also pounds shillings and pence, for costs and charges by him about his suit in that behalf expended, whereof the said *A. B.* is convict, as to us appears of record; and although judgment be thereof rendered, yet the execution for the said debt or damage and costs doth yet remain to be made, whereof the said *C. D.* hath made application to us to provide remedy for him in that behalf: Now to the end that justice be done, we command you, that you make known unto the said *A. B.* that he be before our Justices of our said Court of to be holden within or for our said county of *S.* at *B.*

on the day of to shew cause (if any he hath) wherefore the said *C. D.* ought not to have his execution against him the said *A. B.* for his debt or damage and costs aforesaid; and further to do and receive that which our said Court shall then consider; and there and then have you this writ, with your doings therein. Herein fail not. Witness *E. H.* Esq; at *B.* the day of in the year of our LORD, *A. D.* Clerk.

And be it enacted, That the several forms of writs and processes here underwritten, shall be, and hereby are established to be the forms to be granted and used in civil causes triable before a Justice of the Peace, *that is to say*, —

[*Summons for Appearance.*]

[SEAL.] *S*——, ss.

To the Sheriff of the said county of S——, or either of his Deputies, or the Constables of the town of B. within the said county, or to any or either of them. Greeting.

In the name of the Commonwealth of *Massachusetts*, Summons for appearance. you are required to summon and give notice unto *T. P.* of *B.* aforesaid, [addition] (if he may be found in your precinct) that he appear before me, *J. D.* Esq; one of the Justices of the Peace for the county aforesaid, at my dwelling house, in *B.* on the day of at of the clock in the noon; then and there to answer to *E. L.* of *M.* [addition] in a plea of to the damage of the said *E. L.* (as he saith) the sum of as shall then and there appear with other due damages. And of this writ, with your doings therein, you are to make true return unto myself, at or before the said day of .

Dated at *B.* aforesaid, the day of in the year of our LORD, *J. D.*

[*Capias, or Attachment.*]

[SEAL.] *S*——, ss.

To the Sheriff of the said county of S——, or either of his Deputies, or the Constables of the town of B. within the said county, or to any or either of them,

Greeting.

In the name of the Commonwealth of *Massachusetts*, Capias or attachment. you are required to attach the goods or estate of *T. P.* of *B.* aforesaid, [addition] to the value of and for want

thereof, to take the body of the said *T. P.* (if he may be found in your precinct) and him safely keep, so that he may be had before me *J. D. Esq*; one of the Justices of the Peace for the county aforesaid, at my dwelling house, in *B.* on the day of at of the clock in the noon; then and there to answer to *E. L. of M.* [addition] in a plea of to the damage of the said *E. L.* (as he saith) the sum of as shall then and there appear, with other due damages. Hereof fail not, and make due return of this writ, and of your doings therein, unto myself, at or before the said day of . Dated at *B.* aforesaid, the day of in the year of our LORD, . *J. D.*

[*Summons when goods are attached.*]

[SEAL.] *S—*, ss.

To T. P. of D. in the county of S—, [addition]
Greeting.

Summons when
goods are at-
tached.

In the name of the Commonwealth of *Massachusetts*, you are commanded to appear before me *J. D. Esq*; one of the Justices of the Peace for the county aforesaid, at my dwelling house, in *B.* on the day of at of the clock in the noon, to answer unto *E. L. of M.* [addition] in a plea of which plea the said *E. L.* hath commenced to be heard and tried before me; and your goods or estate are attached to the value of for security, to satisfy the judgment which the said *E. L.* may recover upon the aforesaid trial. Fail not of appearance at your peril. Dated at *B.* aforesaid, the day of in the year of our LORD, . *J. D.*

[*Execution.*]

COMMONWEALTH OF *Massachusetts*.

[SEAL.] *S—*, ss.

To the Sheriff of our said county of S—, or either of his Deputies, or the Constables of the town of *B.* within our said county, or any or either of them.

Greeting.

Execution.

Whereas *E. L. of M.* [addition] on the day of before *J. D. Esq*; one of our Justices of the Peace for our county aforesaid, recovered judgment against *T. P. of B.* [addition] for the sum of debt or

damage, and shillings and pence for charges of suit, as to us appears of record, whereof execution remains to be done: We command you therefore, that of the money of the said *T. P.* or of his goods or chattels within your precinct, at the value thereof in money, you cause to be levied, paid and satisfied unto the said *E. L.* the aforesaid sums being pounds shillings and pence, in the whole; and also that out of the money, goods or chattels of the said *T. P.* you levy more for this writ, together with your own fees. And for want of such money, goods or chattels of the said *T. P.* to be by him shewn unto you, or found within your precinct, to the acceptance of the said *E. L.* for satisfying the aforesaid sums: We command you to take the body of the said *T. P.* and him commit unto our goal in *B.* and we command the keeper thereof accordingly, to receive the said *T. P.* into our said goal, and him safely to keep until he pay the full sums abovementioned, with your fees, or that he be discharged by the said *E. L.* the creditor, or otherwise by order of law. Hereof fail not, and make return of this writ, with your doings therein, unto our said Justice, within sixty days next coming. Witness our said Justice, at *B.* the day of , in the year of our LORD, . *J. D.*

And be it further enacted, That the form of the writ of *Scire Facias* aforesaid, shall be the form of a writ of *Scire Facias* upon a judgment recovered before a Justice of the Peace, *mutatis mutandis*.

And be it further enacted by the authority aforesaid, That the Clerk of each town respectively, within this Commonwealth, as well as the Clerks of the several Courts aforesaid, may, and are hereby respectively empowered to grant summons for witness in civil causes, directed to the person to be summoned for witness; which summons shall be made out in the form following, *that is to say*, —

[*Subpœna for Witnesses.*]

S——, ss.

To A. B. of C. [*addition.*]

Greeting.

You are hereby required, in the name of the Commonwealth of *Massachusetts*, to make your appearance before the Justices of the next to be holden at *B.* within and for the county of *S.* on the Tuesday of

Subpœna for witnesses.

, to give evidence of what you know relating to an action or plea of _____ then and there to be heard and tried betwixt *A. B.* of *C.* [addition] plaintiff, and *D. E.* of *E.* [addition] defendant. Hereof fail not, as you will answer your default under the pains and penalty in the law in that behalf made and provided.

Dated at *B.* the _____ day of _____, in the year of our LORD, _____ *A. D.* Clerk.

Justices empowered to grant summons for witnesses.

And be it further enacted, That every Justice of the Peace may, and hereby is empowered to grant summons for witnesses in civil causes triable before himself, such summons to be directed as, and similar to, the summons for witnesses in civil causes as aforesaid, *mutatis mutandis*. And if any person or persons who shall be served with lawful process or summons to testify, depose, or give evidence concerning any cause or matter depending in any of the Courts aforesaid, or before any Justice of the Peace as aforesaid, and having tendered unto him or them such reasonable sum or sums of money for his or their costs and charges, as having regard to the distance of the places, is necessary to be allowed in that behalf, do not appear according to the tenor of the process or summons, having no reasonable let or impediment to the contrary, then the person so making default shall be liable to the action of the aggrieved party for all damages by him sustained by such default, and the Court or Justice of the Peace shall have power by attachment to bring such contemptuous witness into Court, or before him and to fine him at discretion not exceeding the sum of six pounds, and shall order him to pay the cost of such attachment.

Persons making default, liable to the action of the aggrieved party.

Defendants served with process, and they not appearing, their default to be recorded.

And it is further enacted, That when any defendant shall be duly served with process, and return thereof shall be made into the Court where the same is returnable, and he shall not appear by himself, or his attorney, his default shall be recorded, and the charge in the declaration shall be taken and deemed to be true, and the Court shall thereupon give such damages as they shall find upon enquiry that the plaintiff shall have sustained, unless the plaintiff shall move to have a jury to enquire into the damages, in which case the Court shall enter up judgment for such damages as the jury shall assess. *Provided nevertheless*, That if the defendant shall come into Court at any time before the jury is dismissed, and shall pay down to the

Proviso.

adverse party the costs he has been at thus far, or so much thereof as the Court shall judge reasonable, then the Court may admit the defendant to have the same day in Court as if his default had never been recorded.

And it is also enacted, That when any person in whose favor a judgment is given at the Court of Common Pleas shall appeal therefrom because the damages given are too small, he shall be entitled to a jury at the Supreme Judicial Court to enquire into the damages without any further notice to the appellee. And when in the Common Pleas judgment shall be given either upon abatement or demurrer, the party against whom judgment is given shall have the privilege of appealing without any further proceedings had in the Common Pleas. And all agreements for waiving pleas, and for amendments, and for making new pleas at the Supreme Judicial Court, made and entered upon the records of the Common Pleas, shall be binding to the parties throughout the whole process of the suit.

When judgment is given, persons appealing to be entitled to a jury at the Supreme Judicial Court.

And it is also enacted, That when any plaintiff shall in any stage of his action become nonsuit, or discontinue his suit, the defendant shall recover his cost against him, and that in all actions as well those of *qui tam* as others, the party prevailing shall be entitled to his legal costs against the other.

When plaintiffs become nonsuit, the defendants to recover costs against them.

And it is further enacted, That no person imprisoned upon mean process shall be held in prison upon such process above the space of thirty days next after the entering up final judgment upon the writ whereby he is committed; unless he shall be continued there by having his body taken in execution, nor shall the prison keeper discharge any such prisoner unless judgment is given in his favor, until thirty days next after the said judgment is entered up, unless the party at whose suit he was committed, shall give order, in writing, for his discharge, and shall pay the legal fees of the goaler.

No persons imprisoned upon mean process to be held in goal above 30 days, unless.

And it is further enacted, That all original writs issuing out of the Supreme Judicial Court, or Court of Common Pleas, shall before they are served, be indorsed on the back thereof by the plaintiff or plaintiffs, or one of them, with his christian and surname, if he or they are inhabitants of this Commonwealth, or by his or their agent or attorney, being an inhabitant thereof, and where the plaintiff is not an inhabitant of this Commonwealth, then his writ shall be indorsed in manner aforesaid, by some responsible

How original writs issued are to be indorsed.

person who is an inhabitant of this Commonwealth, provided that the Court may upon motion, in consideration that the agent or attorney who indorser the writ is not of ability for the purposes hereafter mentioned, order that the plaintiff shall procure a new indorser, and such new indorser shall be held in the same manner as if the indorsement had been made before the writ was served, and unless the plaintiff shall procure such new indorser when directed thereunto by the Court, he shall become non-suit, but no costs shall be awarded against him. And the plaintiff's agent or attorney who shall so indorse his name upon an original writ, shall be liable in case of the avoidance or inability of the plaintiff to pay the defendant all such costs as he shall recover, and to pay all prison charges that may happen, where the plaintiff shall not support his action. And all goods and estate attached upon mean process for the security of the debt or damages sued for shall be held for the space of thirty days after final judgment to be taken in execution. And if the creditor shall not take them in execution within thirty days after judgment, the attachment shall be void.

When actions are brought to recover debts, the defendants may file their accounts.

And be it further enacted, That when an action shall be brought to recover a debt due on book accounts, an account stated by the parties, *a quantum meruit, quantum valebat*, or for services done upon an agreed price, the defendant may file any account he hath, in the Clerk's office seven days before the sitting of the Court of Common Pleas where the action is brought, or if the suit is before a Justice of the Peace the account shall be filed before the justice four days before the day of trial, and upon the general issue give the same in evidence against the plaintiff's demand. And if upon the trial it shall appear that there is a balance due to the defendant, he shall recover the same in the same manner as if he had brought his action therefor, and where a plaintiff shall at the same Court bring divers actions upon demands which might have been joined in one, he shall recover no more costs than in one action only.

Personal or transitory actions to be bro't in the county where one of the parties lives.

And be it also enacted, That when the plaintiff and defendant both live within the Commonwealth, all personal or transitory actions shall be brought in the county where one of the parties lives. And when an action shall be commenced in any other county, then as above directed

the writ shall be abated and the defendant allowed double costs.

And be it further enacted by the authority aforesaid, That no summons, writ, declaration, process, judgment, or other proceedings in the Courts or course of Justice shall be abated, arrested, quashed, or reversed for any kind of circumstantial errors or mistakes when the person and case may be rightly understood by the Court, nor thro' defect or want of form only, and the Court on motion made may order amendments.

No summons, writs, &c. in the Courts to be abated, &c. for any errors.

And be it further enacted, That execution shall not issue in any case, until the expiration of twenty-four hours after the entering up of judgment. *October 30, 1784.*

Executions not to issue until.

1784.—Chapter 29.

[October Session, ch. 4.]

AN ACT EMPOWERING THE INHABITANTS OF THE COUNTY OF LINCOLN, EASTWARD OF UNION RIVER, TO CHOOSE A REGISTER OF DEEDS, AND FOR THE ESTABLISHING A COURT OF PROBATE TO BE HOLDEN WITHIN AND FOR ALL THAT PART OF THE SAID COUNTY, WHICH LIES TO THE EASTWARD OF THE SAID RIVER.

Chap. 29

Whereas the inhabitants of that part of the county of Lincoln, which lies eastward of Union River, are put to great difficulty in getting their conveyances of real estates properly recorded, and in effecting the distribution and settlement of the estates of deceased persons among them, as they are in such cases frequently obliged, at great expence and trouble, to travel to Pownalborough, where alone the office of Register of Deeds, and the Court of the Judge of Probate of Wills, and for granting letters of administration for the said county, are now kept and held:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a Register of Deeds shall be appointed in manner provided by law, within and for the district aforesaid, whose office shall be holden at *Machias*; and the inhabitants of the said district are hereby authorized and empowered to choose a Register of Deeds for the same district, in order to which, *Alexander Campbell*, Esquire, a Justice of the Peace within and for the said county, is hereby authorized and empowered to issue his warrant to the Selectmen of *Machias*, and to some prin-

Register of deeds to be appointed.

Alexander Campbell, Esq; empowered to call a meeting.

cipal inhabitant of each of the plantations within the said District, directing the said Selectmen and principal inhabitants respectively, to call a regular meeting of the inhabitants of the said town and several plantations, qualified as the law directs for voting in town affairs, to meet in the said towns and plantations to which they respectively belong, as soon as conveniently may be, for the purpose of choosing a Register of Deeds for the same district.

Town Clerks
to make return
on oath.

And be it further enacted by the authority aforesaid, That each of the Clerks of the town and plantations aforesaid, shall, as soon as may be after the said meetings and elections, respectively make return on oath to the Justices aforesaid, of the names of the persons voted for, with the number of votes which each person had, set against their names respectively, which returns shall by the said Justices be transmitted to the then next Court of General Sessions of the Peace to be holden within and for the said county; which said Court of Sessions shall examine the said returns, and declare the choice of the said Register in manner provided by law.

The Register
to be sworn,
&c.

And be it further enacted by the authority aforesaid, That the said Register when elected, shall be sworn, give bond, and be qualified for the execution of his office, in all respects, in manner as is provided by law for the obligating and qualifying of other Registers of Deeds.

How long to
continue in
office.

And be it further enacted by the authority aforesaid, That the said Register, elected and qualified as aforesaid, shall continue in his office during the term of five years next after he shall be declared to have been elected as aforesaid; and from and after the twentieth day of *July* next, shall be fully authorized and empowered to register and record all deeds of conveyance of any lands or other real estate lying within the said district, as are by law required to be registered and recorded; and the records of all deeds by him so registered and recorded, shall be good and valid to all intents and purposes.

Records made
by any other
than the Regis-
ter, to be void.

And be it further enacted by the authority aforesaid, That the records of any deeds of conveyance of lands or other real estate lying within the said district, which after the said twentieth day of *July* shall be made by any other than the Register to be elected and qualified as aforesaid, shall be void and of no effect; and the said Register shall be entitled to demand and receive all such fees in the

execution of his office, as Registers of Deeds are by law entitled to receive.

And be it further enacted by the authority aforesaid, That a Court of Probate shall be held within the said District, and that some suitable persons be appointed in the manner the constitution directs for Judge and Register of the said Court, who from and after the twentieth day of *July* next, shall have power and authority to do and perform all the business which Judges and Registers of Probate by the law of this Commonwealth “for establishing Courts of Probate,” have power and authority to do and perform.

Courts of Probate to be held within the district.

And be it further enacted by the authority aforesaid, That all probate of wills and letters of administration granted upon the estates of persons (who at the time of their decease belonged within the said district) and doings, after the said twentieth day of *July*, other than such as shall be done and made by the said Judge who shall be appointed as aforesaid, shall be void and of no effect.

November 6, 1784.

1784. — Chapter 30.

[October Session, ch. 5.]

AN ACT REGULATING THE EXPORTATION OF FLAX SEED, POT ASH, PEARL ASH, BEEF, PORK, BARRELED FISH, AND DRIED FISH.

Chap. 30

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the twentieth day of December next, no Flax Seed shall be shipped or exported out of this Commonwealth, but such as shall have been surveyed and found to be well cleansed and in good order, and in casks, each cask containing seven bushels and one peck, or in casks containing one half the said quantity each.

No Flax Seed to be exported, unless surveyed & found to be well cleansed, &c.

And be it further enacted, That the Governor, by and with the advice and consent of the Council, be, and is, hereby empowered to appoint, in such seaport towns within this Commonwealth as there shall be occasion, one or more skilful and disinterested person or persons, to be surveyors, for the surveying and proving Flax Seed, who shall be sworn to the due and impartial execution of their trust : And their duty shall be to inspect and survey

Governor empowered to appoint surveyors of Flax Seed.

Their duty.

all Flax Seed that shall be intended to be laden on board of any vessel for foreign exportation; and every such surveyor is hereby authorized to open the casks containing the said commodity, intended to be exported as aforesaid, and if need be, measure and shift the same into other casks, so as thoroughly to examine the whole, and see that it be clear from mixture of wild or other seed, or dirt, and of the measure aforesaid. And every cask containing the said quantity, which by such survey and examination shall, according to the surveyor's best judgment, appear to be cleansed as aforesaid, he shall mark or imprint with a burning iron, the following mark or letters, A. P. with the name of the town where it shall be thus approved, the name of the said surveyor at large, and the letter S. at the end thereof, denoting that the same has been surveyed and approved.

No Pot or Pearl Ash shall be exported, unless assayed & found merchantable.

And be it further enacted by the authority aforesaid, That from and after the twentieth day of *December* next, no Pot Ash or Pearl Ash shall be shipped or exported out of this Commonwealth, but such as shall have been assayed and found to be of sufficient strength and purity, and to have those qualities in such degree of perfection as shall be ascertained and fixed by the Governor, with the advice and consent of the Council, as the standard of such Pot Ash and Pearl Ash as shall be deemed merchantable, and fit for exportation.

Governor and Council empowered to appoint assay-masters, for proving and assaying Pot Ash, &c.

And be it further enacted, That the Governor and Council be, and they are, hereby empowered to appoint, in such seaport towns within this Commonwealth as there shall be occasion, one or more skillful and disinterested person or persons, to be assay-masters, for the proving and assaying Pot Ash and Pearl Ash, who shall be sworn to the due and impartial execution of their trust; and their duty shall be to inspect and assay all Pot Ash and Pearl Ash, that shall be brought to any such seaport town to be shipped; and every such assay-master is hereby authorized to open the casks or vessels containing those commodities, and to take out so much thereof as may discover the quality of the whole; and every cask or other vessel of Pot Ash or Pearl Ash, which by such assay shall be found to be good and merchantable, according to the rule or standard that shall be established as aforesaid, he shall mark or imprint with a burning iron, the following mark or letters, AS. D. with the name of

Their duty.

the town where the same shall have been thus assayed, and the assayer's name at large, and the letter A. at the end thereof, denoting that the same has been assayed and approved.

And be it further enacted, That if the owner of any Flax Seed, Pot Ash or Pearl Ash, or other person employed by him, shall presume to lade, or put on board any vessel, bound out of the Commonwealth, any Flax Seed, Pot Ash and Pearl Ash, other than such as shall have been approved, by a surveyor or assay-master, respectively, or shall be contained in any cask, or other vessel, that shall not have their marks, stamps or brands upon it; or if any master of a ship or other vessel, or other officer or mariner, shall receive on board any such, the offender or offenders shall incur the penalty of five pounds for each cask or other vessel so shipped, to be sued for and recovered in any Court of record within this Commonwealth, proper to try the same; and all such Flax Seed, Pot Ash and Pearl Ash (laded or received on board as aforesaid) shall be forfeited. And it shall be lawful for any Justice of the Peace, upon information given of any Flax Seed, Pot Ash or Pearl Ash, put on board any such ship or other vessel, as aforesaid, not marked as aforesaid, to issue his warrant, directed to the Sheriff or his Deputy, or Constable, requiring them respectively to make seizure of any such Flax Seed, Pot Ash and Pearl Ash, shipped and not marked as aforesaid, and to secure the same in order for trial, and such officers are hereby respectively empowered and required to execute the same.

Persons presuming to ship any Flax Seed, Pot Ash, &c. not approved.

Penalty.

And be it further enacted, That if after any cask or other vessel, containing Flax Seed, or Pot Ash, or Pearl Ash, shall have been approved and stamped with the surveyor's or assay-master's marks, stamps or brands, any cooper or other person shall presume to shift the contents of such cask or other vessel, and to put therein any Flax Seed, Pot Ash or Pearl Ash, that has not been duly surveyed or assayed, and approved as aforesaid, such cooper or other person offending therein, shall forfeit and pay the sum of ten pounds for every cask so shifted, to be recovered in manner as aforesaid.

Persons shifting the contents of casks after being approved.

Penalty.

And be it further enacted, That in case any surveyor or assay-master, appointed and sworn as aforesaid, shall be guilty of any neglect or fraud in assaying or surveying any Flax Seed, Pot Ash or Pearl Ash, contrary to the true

Surveyors or assay-masters guilty of neglect or fraud.

intent and meaning of this act, or shall mark with their respective brands, stamps or marks, any casks containing Flax Seed, or Pot Ash, or Pearl Ash, which they had not actually and thoroughly surveyed or assayed, and which may be intended for exportation out of this State, he or they shall forfeit and pay the sum of ten pounds for every such neglect, or for every cask falsely marked, to be recovered as aforesaid.

Penalty.

Each cask, before any Pot or Pearl Ash are put therein, to be weighed, &c.

Be it further enacted by the authority aforesaid, That each cask, before any Pot Ash or Pearl Ash are put therein, shall be weighed by the manufacturer of such Pot Ash or Pearl Ash, who shall, with a marking iron, mark on one of the heads thereof, the full weight of the cask, and the initial letters of his name; and in case he shall falsely mark the same, such manufacturer, upon conviction thereof, shall forfeit and pay the sum of forty shillings for each cask so falsely marked.

Surveyors and assay masters fees.

And be it further enacted, That the respective surveyors and assay-masters shall be paid for every cask of Flax Seed, Pot Ash or Pearl Ash, that they shall survey or assay, the sum of six pence, provided the number does not exceed ten, and four pence for each cask exceeding that number, exclusive of cooperage, to be paid by the shipper.

Selectmen to choose, annually fit persons to be searchers and packers of barreled beef, &c.

Be it further enacted by the authority aforesaid, That the selectmen, or the major part of them, in every town in the Commonwealth, where there may be occasion, be, and they are hereby empowered and directed, to choose and appoint annually a fit person or persons to be searchers and packers of barreled Beef, Pork and Fish, who shall be sworn to the faithful execution of their trust, by the town clerk of the said town, and the said town clerk shall record the same in the town books; whose duty shall be to pack and search all the Fish, Beef and Pork which shall be packed in the same, designed for exportation out of this State, and they shall not pack any Fish, Beef or Pork, in any cask which shall be of unseasoned stuff, or which shall be under the assize established by law, under the penalty of ten shillings for every cask so packed.

Duty of such searchers and packers.

And be it further enacted, That in every town where such commodities are packed up for sale, the searcher and packer of such town, or of the town where they are put to sale or shipped, shall, previously thereto, see that

they be properly repacked, and that there be good salt in each cask, sufficient to preserve the Fish, Beef or Pork, from damage to any port or place to which they are designed to be shipped; and it shall be his business to see that the Beef and Pork in cask is of the whole, half and quarter and so proportionably, that the best be not left out; and that each barrel of Pork shall weigh two hundred pounds weight, and each barrel of Beef two hundred and twenty pounds weight, each cask to be well seasoned, and bound with not less than twelve sufficient hoops; and that Mackarel and other barreled Fish be packed all of one kind, and in cask well seasoned, containing not less than thirty gallons, and that all casks so packed be full, and the fish sound and well seasoned; on all which casks of Beef, Pork and Fish, so searched, examined and approved, the said packer shall brand or imprint, with a burning iron, the following brand or mark, MASS. RPD. with the initial letters of his christian name and his surname at large, and the letter P at the end thereof, denoting that the same is merchantable, and in good order for exportation; and all such other provision as the packer shall find whole-ome and useful, though for its quality it be not merchantable, he shall cause to be well packed, salted and filled, and the same mark with the word REFUSE; for which he shall receive from the owner six pence for each barrel, and so in proportion for a larger or smaller cask. And if any such provisions be put to sale, or shipped off without having been approved by a packer, and the casks in which they are contained not have the said packer's stamp, mark or brand upon them, or if any master of any ship or other vessel, officer or mariner, shall receive on board any such, the offender or offenders shall incur the penalty of ten pounds for each cask so shipped, to be sued for and recovered in any Court of record within this Commonwealth proper to try the same; and all such Fish, Beef or Pork (laded or received on board as aforesaid) shall be forfeited.

Penalty for shipping such provisions not approved.

And be it further enacted, That if any cooper, packer or other person, shall shift any fish or flesh, either on board any ship or other vessel, or on shore, after the same hath been so branded, stamped or marked by the packer, and ship and export the same, and anew brand, stamp or mark the cask whereinto such provisions are shifted, all persons acting, ordering or assisting therein,

Penalty for shifting fish or flesh, after being stamped, &c. by the packer.

and being thereof convicted, shall forfeit and pay a sum not exceeding Fifty pounds, nor less than Ten pounds, and pay a fine for each cask so shifted, Ten pounds. And if any person or persons other than the proper officer, shall presume to mark, stamp, or brand any cask of Flax Seed, Pot Ash, Pearl Ash, Beef, Pork or barreled Fish, with the stamping or branding instrument belonging to such officer, or other instrument made in imitation thereof, such person or persons on conviction thereof, shall forfeit and pay a sum not less than Ten pounds, nor more than Fifty pounds, for each cask so marked, stamped or branded, to be recovered in manner aforementioned.

No vessel having on board flax seed, &c. to be cleared out by the naval officer, until.

And be it further enacted by the authority aforesaid, That no vessel on board of which any cask of Flax Seed, Pot Ash, Pearl Ash, barreled Pork, Beef, or Fish, is shipped for exportation, shall be cleared out by the naval officer until the master or owner thereof shall have produced a certificate or certificates from some person or persons duly appointed for the purpose of surveying, assaying, proving or packing the said articles, that the same have been surveyed, assayed, proved, packed or repacked, as by this act is required, which certificate or certificates shall be granted free from any expense.

And whereas great inconvenience and damage to merchants, and much loss to the interests of the Commonwealth, arise for want of proper persons being appointed in the seaport towns to cull dry fish:

Cullers of dry Fish to be annually chosen.

Be it therefore enacted by the authority aforesaid, That there shall be annually chosen in every seaport town within this Commonwealth, where Fish is made and cured or sold, at the annual *March* meeting, a suitable number of skilful and disinterested persons, inhabitants of such town, to be cullers of Fish; and any person who shall cull fish without being chosen and sworn, shall forfeit the sum of five pounds for every quintal of Fish by him culled, and such cullers in culling Fish shall have regard to the contract between the buyer and seller, with respect to the season of the year wherein such Fish is cured.

And be it further enacted, That every master or commanding officer of any ship or other vessel, who shall take on board any Fish in order to transport the same beyond sea, without having the same first surveyed or culled by a person duly appointed and under oath, shall forfeit and pay a fine of six shillings for each and every

quintal so received or taken on board; and every person chosen into the office of a culler of Fish, shall before he enter on the duties of his office, be sworn as other town officers are, to the faithful discharge of his trust, and shall be allowed and paid one penny half-penny for every quintal of Fish which he shall survey or cull, by the purchaser thereof. *Provided nevertheless*, When it shall so happen that the sworn cullers cannot be obtained, that then it shall and may be lawful for the buyer and seller to agree upon some meet person to be a culler in such case, — *Provided*, he be first sworn faithfully to discharge the trust.

Culler to be sworn.

Proviso.

And be it enacted by the authority aforesaid, That the cullers of Fish already chosen in the several towns in this Commonwealth, be continued in office until their next March meetings respectively.

Cullers already chosen, to be continued, until.

And be it further enacted, That this act so far as it regulates and respects the exportation of barrel Pork and Beef, shall not be in force until the twentieth day of *December* next; and so far as this act regulates and respects the exportation of barreled Fish, it shall not be in force until the first day of *April* next.

Time this act takes place.

And be it further enacted, That penalties and forfeitures arising by force and virtue of this act, shall be one half to the use of the Commonwealth, and the other half to him or them who shall inform and sue for the same.

Penalties, how appropriated.

And it is enacted, That all laws heretofore made, so far as they respect the commodities by this act regulated, be, and they are hereby repealed. *November 9, 1784.*

Former laws repealed.

1784. — Chapter 31.

[October Session, ch. 6.]

AN ACT, IN ADDITION TO AN ACT, MADE AND PASSED THE PRESENT YEAR, ENTITLED, "AN ACT FOR REPEALING TWO LAWS OF THIS STATE, AND FOR ASSERTING THE RIGHT OF THIS FREE AND SOVEREIGN COMMONWEALTH, TO EXPEL SUCH ALIENS AS MAY BE DANGEROUS TO THE PEACE AND GOOD ORDER OF GOVERNMENT."

Chap. 31

Whereas in the last paragraph of the act aforesaid, provision is made as follows: Provided, such claimers are not included in the act aforesaid, made in the year One thousand seven hundred and seventy-eight:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the author-

Proviso
repeal'd.

ity of the same, That the proviso above recited be, and hereby is repealed. And in lieu thereof,

Be it enacted, That provided such claimers are not included in the act aforesaid, entitled, “An act to confiscate the estates of certain notorious conspirators against the government and liberties of the inhabitants of the late Province, now State of *Massachusetts Bay*.”

And whereas, by the act aforesaid, made and passed in the present year, no provision is made respecting the real estates of such Absentees as have been mortgaged or leased by order of Government:

Real estates of
absentees,
which have been
mortgaged or
leased by gov-
ernment, how
considered.

Be it therefore enacted by the authority aforesaid, That all those real estates, which on the 19th day of *April*, in the year One thousand seven hundred and seventy-five, were the property of any person or persons who are mentioned, intended or described, in an act passed in the year One thousand seven hundred and seventy-nine, entitled, “An act for confiscating the estates of certain persons, commonly called Absentees;” and which estates have been mortgaged by order of government, shall be considered as having been confiscated, saving only the right of redemption in the legal claimers, or in the Commonwealth where no legal claimant shall appear, upon paying and discharging the mortgage, according to the true intent and spirit of the same, which such claimants are authorized to do in the same manner as the Commonwealth might; and where such estate hath been leased by order of government, the income and profit, use and improvement thereof, shall be considered as confiscated for the term of which the same is leased; and the tenants shall hold the same accordingly, till the end of the term, when the claimants shall have the same; and that all doings and proceedings of agents, and committees on any real estate of an Absentee, or a real British subject, which has not been confiscated, done and had according to the laws and resolutions of government, or which has been done by any other person under orders of any military commander, shall be good and valid to all intents and purposes.

Personal estate
disposed of by
government, to
be held as con-
fiscated.

And be it further enacted by the authority aforesaid, That all the personal estate of the persons aforesaid, who left this State, or any other of the United States, or any of the Provinces or Colonies of *America*, since the fifth day of *October*, in the year One thousand seven hundred and seventy-four; and before the making of the present con-

stitution or frame of government of this Commonwealth, and went off to, and took the protection of the government, fleet or army of *Great Britain*, and which personal estate hath been taken, sold, used or disposed of, by order of government, shall be held, deemed and taken to have been confiscated; and that no person or persons of the descriptions aforesaid, shall have or maintain any action against any committee, agent or any person whatsoever, who has disposed of the same in consequence of any law, resolve or order of government, or of the Provincial Congress, formerly holden in this then Province, or of any order or resolve of the United States, or taken by the order of any military commander, to the use of this or the United States; and where any action shall be brought therefor, the party sued may plead the general issue, and give this act in evidence.

November 10, 1784.

1784. — Chapter 32.

[October Session, ch. 7.]

AN ACT FOR ESTABLISHING A SCHOOL IN THE NORTH PARISH OF HINGHAM, BY THE NAME OF *DERBY SCHOOL*, AND FOR APPOINTING AND INCORPORATING TRUSTEES OF THE SAID SCHOOL. Chap. 32

Whereas the education of youth has ever been considered, Preamble.
by the wise and good, as an object of the highest consequence to the safety and happiness of a free people: And whereas Sarah Derby of Hingham, in the county of Suffolk, widow, on the twenty-first day of October, last past, by a deed of lease and release, of that date, legally executed, gave, granted and conveyed to the Reverend Ebenezer Gay, and others therein named, and to their heirs, a certain piece of land, with the buildings thereon, situate in the north parish of the said Hingham; and in the said deed described to the use and upon the trust, that the rents and profits thereon be forever appropriated to the support of a school, in the said north parish of Hingham, for the instruction of such youth, in such arts, languages and branches of science as are particularly mentioned, enumerated and described in the said deed. And whereas the execution of the generous and important design of instituting the said school will be attended with great embarrassments, unless by an act of incorporation, the trustees mentioned in the said deed, and their successors, shall be authorized to com-

mence and prosecute actions at law, and transact such other matters in their corporate capacity, as the interest of the said school shall require:

Derby School
established.

Be it therefore enacted by the Senate, and House of Representatives in General Court assembled, and by the authority of the same, That there be, and there hereby is established, in the north parish of Hingham, in the county of Suffolk, a school, by the name of Derby School, for the promotion of virtue and instruction of such youth of each sex, in such arts, languages and branches of science, as are respectively and severally mentioned, enumerated and described, by a deed of lease and release, made and executed on the twenty-first day of October last past, by and between Sarah Derby, of Hingham, aforesaid, widow, on the one part, and the Reverend Ebenezer Gay, the Reverend Daniel Shute, John Thaxter, Esq; the Honourable Benjamin Lincoln, Esq; all of the said Hingham; the Honourable Cotton Tufts, of Weymouth, and the Honourable Richard Cranch, of Braintree, both in the said county of Suffolk, Esq's. the Honourable William Cushing, and the Honourable Nathan Cushing, both of Scituate, in the county of Plimouth, Esq's. John Thaxter, of Haverhill, in the county of Essex, Esq; and Benjamin Lincoln, of Boston, in the said county of Suffolk, gentleman, on the other part.

Trustees appointed and
incorporated.

Be it further enacted by the authority aforesaid, That the aforementioned Ebenezer Gay, Daniel Shute, John Thaxter, Benjamin Lincoln, Cotton Tufts, Richard Cranch, William Cushing, Nathan Cushing, John Thaxter, and Benjamin Lincoln, be, and they hereby are nominated and appointed Trustees of the said school; and they are hereby incorporated into a body politic, by the name of the Trustees of Derby School, and they and their successors shall be and continue a body politic and corporate, by the same name forever.

Lands, &c. given
by Sarah Derby,
confirmed to the
Trustees for-
ever.

Be it further enacted by the authority aforesaid, That all the lands and buildings which by the aforementioned deed of lease and release were given, granted and conveyed by the aforementioned Sarah Derby, unto the said Ebenezer Gay, Daniel Shute, John Thaxter, Benjamin Lincoln, Cotton Tufts, Richard Cranch, William Cushing, Nathan Cushing, John Thaxter, and Benjamin Lincoln, and to their heirs, be, and they hereby are confirmed to the said Ebenezer Gay, and others last named, and to their succes-

sors, as Trustees of *Derby School*, forever, for the uses, intents and purposes, and upon the trusts which in the said deed of lease and release are expressed; and the Trustees aforesaid, their successors, and the officers of the said school, are hereby required in conducting the concerns thereof, and in all matters relating thereto, to regulate themselves conformably to the true design and intention of the said *Sarah Derby*, as expressed in the deed abovementioned.

Be it further enacted by the authority aforesaid, That the said Trustees and their successors, shall have one common seal, which they may make use of in any cause or business that relates to the said office of Trustees of the said school; and they shall have power and authority to break, change and renew the said seal from time to time, as they shall see fit; and they may sue and be sued in all actions, real, personal and mixed, and prosecute and defend the same to final judgment and execution, by the name of the Trustees of *Derby School*.

Trustees to have one common seal.

Be it further enacted by the authority aforesaid, That the said *Ebenezer Gay*, and others, the Trustees aforesaid, and their successors, the longest lived and survivors of them, be the true and sole visitors, trustees and governors of the said *Derby School*, in perpetual succession forever, to be continued in the way and manner hereafter specified, with full power and authority to elect a president, secretary and treasurer, and such officers of the said school as they shall judge necessary and convenient; and to make and ordain such laws, rules and orders, for the good government of the said school, as to them the trustees, governors and visitors aforesaid, and their successors, shall from time to time, according to the various occasions and circumstances, seem most fit and requisite; all which shall be observed by the officers, scholars and servants of the said school, upon the penalties therein contained. *Provided notwithstanding*, That the said rules, laws and orders, be no ways contrary to the laws of this Commonwealth.

Trustees and their successors, to be the sole visitors, &c.

To elect officers, make laws, &c.

Proviso.

Be it further enacted by the authority aforesaid, That the number of the said Trustees and their successors, shall not at any one time, be more than eleven nor less than nine, five of whom shall constitute a quorum for transacting business; and a major part of the members present

Number of Trustees.

shall decide all questions that shall come before them ; that the principal preceptor for the time being, shall be ever one of them, that a major part shall be laymen and respectable freeholders of this Commonwealth, and never more than four of the said Trustees or their successors, shall belong to or be inhabitants of the town of *Hingham*, aforementioned. And to perpetuate the succession of the said Trustees,

Surviving Trustees to supply vacancies occasioned by death, &c.

Be it further enacted by the authority aforesaid, That as often as one or more of the Trustees of *Derby School* shall die or resign, or in the judgment of the major part of the said Trustees be rendered by age or otherwise, incapable of discharging the duties of his office, then and so often the Trustees then surviving and remaining, or the major part of them, shall elect one or more persons to supply the vacancy or vacancies.

Trustees rendered capable to receive land, by gift, &c.

Be it further enacted by the authority aforesaid, That the Trustees aforesaid, and their successors, be, and they hereby are rendered capable in law, to take and receive by gift, grant, devise, bequest or otherwise, any lands, tenements or other estate, real and personal, provided that the annual income of the said real estate shall not exceed the sum of three hundred pounds, and the annual income of the said personal estate shall not exceed the sum of seven hundred pounds ; both sums to be valued in silver, at the rate of six shillings and eight pence by the ounce ; to have and to hold the same to them the said Trustees, and their successors, on such terms and under such provisions and limitations as may be expressed in any deed or instrument of conveyance to them made.

Proviso.

Provided always, That neither the said Trustees nor their successors, shall ever hereafter receive any grant or donation, the condition whereof shall require them or any others concerned, to act in any respect counter to the design of the aforementioned *Sarah Derby*, as expressed in the aforementioned deed or any prior donation ; and all deeds and instruments which the said Trustees may lawfully make, shall when made in the name of the said Trustees, and signed and delivered by the Treasurer, and sealed with the common seal, bind the said Trustees and their successors, and be valid in law.

Trustees empowered to determine times

Be it further enacted by the authority aforesaid, That the aforesaid Trustees shall have full power and authority

to determine at what times and places their meetings shall be holden ; and upon the manner of notifying the Trustees to convene at such meetings, and also upon the method of electing or removing Trustees ; and the said Trustees shall have full power and authority to ascertain and prescribe from time to time, the powers and duties of their several officers, and to fix and ascertain the tenures of their respective offices.

and places of meetings, &c.

Be it further enacted by the authority aforesaid, That Samuel Niles, Esq ; be, and he hereby is authorized and empowered, to fix the time and place for holding the first meeting of the said Trustees, and to certify them thereof.

Samuel Niles, Esq : to fix the time for the first meeting.

November 11, 1784.

1784. — Chapter 33.

[October Session, ch. 8.]

AN ACT EMPOWERING THE DELEGATES OF THIS COMMONWEALTH, IN THE UNITED STATES IN CONGRESS ASSEMBLED, TO RELINQUISH TO THE UNITED STATES CERTAIN LANDS, THE PROPERTY OF THIS COMMONWEALTH.

Chap. 33

Whereas several of the States in the union, have at present no interest in the great and extensive tract of uncultivated country, lying in the westerly part of the United States, and it may be reasonable that the States above mentioned should be interested in the aforesaid country ;

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the delegates of this Commonwealth, in the United States in Congress assembled, or any three of the said delegates, be, and they hereby are authorized and empowered, for and in behalf of this Commonwealth, to cede or relinquish, by authentic conveyance or conveyances, to the United States, to be disposed of for the common benefit of the same, agreeable to a resolve of Congress, of October the tenth, One thousand seven hundred and eighty, such part of that tract of land belonging to this Commonwealth, which lies between the rivers Hudson and Mississippi, as they may think proper ; and to make the said cession in such manner and on such conditions as shall appear to them to be most suitable.

Delegates authorized to cede certain lands.

November 13, 1784.

1784. — Chapter 34.

[January Session, ch. 2.]

Chap. 34 AN ACT FOR INCORPORATING A GRANT OF LAND, FORMERLY MADE TO MR. CORNELIUS JONES, OF TEN THOUSAND ACRES, CALLED BY THE NAME OF MYRIFIELD, IN THE COUNTY OF HAMPSHIRE, TOGETHER WITH OTHER LANDS ADJOINING, AND THE INHABITANTS THEREON, INTO A SEPARATE TOWN, BY THE NAME OF ROWE.

Preamble.

Whereas a number of the inhabitants of the plantation called Myrifield, in the county of Hampshire, have petitioned this Court to be incorporated into a town, for reasons set forth in their petition, and it appearing to this Court that it is expedient that the said plantation be incorporated :

Boundaries.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands hereafter described, viz. : Beginning at the southwest corner of the before-mentioned grant of land, thence running south two hundred rods to a corner ; thence running east six degrees south, one thousand five hundred and sixty-six rods to a corner ; thence north one thousand three hundred and forty-three rods, to the line of a territory called Vermont ; including the abovementioned grant, together with two hundred rods in width from the town of Charlemont, and from Pierce's, Dennis's, and the whole of Fulham's grant of land west of Charlemont, on the south side of the said Myrifield ; also, together with two hundred rods in width on the east end from the lands called Green and Walker's lands, together with the inhabitants thereon ; be, and they are, hereby incorporated into a distinct town, by the name of Rowe, and invested with all the powers, privileges and immunities, that towns in this Commonwealth are entitled to, or do or may enjoy, according to law.

Samuel Taylor,
Esq ; to call a
meeting.

And be it further enacted by the authority aforesaid, That Samuel Taylor, of Buckland, Esq ; be, and he hereby is, empowered to issue his warrant directed to some principal inhabitant within the said town of Rowe, directing him to warn the inhabitants of the said town, qualified to vote in town affairs, to assemble at some convenient time and place in the same town, to choose all such town officers as by law are to be chosen annually, in the month of March.

To pay their
proportion of
taxes.

Provided nevertheless, The inhabitants of the said town of Rowe, which were before the passing this act inhabitants

of any other town or place, shall pay their proportionable part of all such town, county and state taxes, as are already assessed or levied on them by the town or place where they usually were taxed.

And be it further enacted by the authority aforesaid, That the whole and every part of the said town of Rowe be hereafter included within the county of Hampshire; and that the west bound thereof shall be the boundary line, between the counties of Hampshire and Berkshire. February 9, 1785.

To be included within the county of Hampshire.

1784. — Chapter 35.

[January Session, ch. 3.]

AN ACT LIMITING THE TIMES WITHIN WHICH ACCOUNTS OR DEMANDS AGAINST THIS COMMONWEALTH SHALL BE EXHIBITED FOR LIQUIDATION AND ALLOWANCE.

Chap. 35

Whereas for the speedy and uniform settlement of public accounts, and for the prevention of fraud, it is expedient that accounts or demands against the Commonwealth, not liquidated, settled and allowed by Government, should be seasonably exhibited for liquidation and allowance:

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all accounts or demands against this Commonwealth, which accrued to any individuals or private corporations previous to or during the late war, which have not been exhibited, liquidated and allowed by government, be presented for liquidation and allowance, on or before the first day of January, One thousand seven hundred and eighty-six; and that all accounts or demands which have arisen or accrued since the close of the late war, or that shall hereafter accrue as aforesaid, which have not or may not be liquidated and allowed by government, be presented for liquidation and allowance, within two years after the time of passing this act, or otherwise within two years after the same shall accrue, become due and payable, and not afterwards.

Time fixed within which accounts may be presented.

February 9, 1785.

1784. — Chapter 36.

[January Session, ch. 4.]

AN ACT TO SET OFF SAMUEL LUCE, JONATHAN SNOW, EDWARD WING, ADMIRAL POTTER AND REUBEN HOUS, FROM THE TOWN OF CONWAY, IN THE COUNTY OF HAMPSHIRE, AND ANNEX THEM TO THE TOWN OF GOSHEW, IN THE SAID COUNTY.

Chap. 36

Whereas it is represented by Samuel Luce, Jonathan Snow, Edward Wing, Admiral Potter and Reuben Hous,

Preamble.

that they labor under great inconveniencies by reason of their situation; and it appears to this Court to be expedient that they, with their polls and estates, should be set off from the town of Conway, and annexed to the town of Goshen, the said town having signified their consent:

Samuel Luce,
and others, set
off.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Samuel Luce, Jonathan Snow, Edward Wing, Admiral Potter, and Reuben Hous, with their polls and estates, be, and they are hereby set off from the town of Conway and annexed to the town of Goshen, and shall forever hereafter be considered as belonging to the said town of Goshen, there to do duty and enjoy privileges. Provided nevertheless, That the several persons above-named shall pay their proportional part of all taxes which are already assessed on the said town of Conway, in like manner as though this act had not passed.

Proviso.

February 9, 1785.

1784. — Chapter 37.

[January Session, ch. 5.]

Chap. 37 AN ACT FOR REPEALING ONE ACT OF THIS COMMONWEALTH, MADE AND PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR, ENTITLED, "AN ACT FOR REGULATING THE MARKET IN BOSTON."

Preamble.

Whereas the said act hath not answered in all respects the purposes intended by the same, and the keeping the said act any longer in force will not be useful and beneficial:

Act repealed.

Therefore, be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the aforesaid act and every part and clause of the same, be, and hereby is, repealed and made null and void.

February 11, 1785.

1784. — Chapter 38.

[January Session, ch. 6.]

Chap. 38 AN ACT MAKING AN ADDITIONAL ALLOWANCE TO THE JUSTICES OF THE SUPREME JUDICIAL COURT, FOR THEIR SUPPORT.

Preamble.

Whereas by the laws of this State lately passed, the business of the Justices of the Supreme Judicial Court is much increased, and they by their consequent absence from their families, exposed to great additional expence:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there be allowed and paid out of the public treasury, to each of the Justices of the Supreme Judicial Court, the sum of Fifty pounds per annum, in addition to the salary now by law allowed them, to commence the first day of January. One thousand seven hundred and eighty-four, and to continue until the first day of January, One thousand seven hundred and eighty-seven.

Sum allowed.

When to commence, &c.

February 11, 1785.

1784. — Chapter 39.

[January Session, ch. 7.]

AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND, *Chap. 39*
LYING IN THE COUNTY OF HAMPSHIRE, INTO A TOWN, BY
THE NAME OF HEATH.

Whereas it appears on representation to this Court, that it would be of public utility, and for the particular advantage of the inhabitants and proprietors of the northeasterly part of the town of Charlemont, together with a part of the lands commonly known by the name of Green and Walker's land, adjoining to the said lands northerly, should be incorporated into a distinct town; and the said inhabitants have signified their desire to be incorporated into a town, by an act of this Court:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all the lands included within the following boundaries be, and hereby are incorporated into a town, by the name of Heath, viz.: Beginning at the northeast corner of the lot number twelve, about two hundred rods distant from the northwest corner of Green and Walker's land, and running south three miles and one hundred and eighty rods to the north line of Charlemont; then west six degrees north eighty rods to the north-west corner of Wilder's lot number one; then south on the west end of the said Wilder's range of lots through Cunningham's and Baldwin's farms, about seven hundred and sixty rods to the south line of the same; then turning east twelve degrees thirty minutes south to the northwest corner of Asahel Thayer's lot; then south nine degrees west one hundred and ninety-seven rods to the southwest corner of the said Asahel Thayer's lot; then east twelve degrees

Boundaries.

thirty minutes south one hundred and five rods ; then south about thirty rods to the southwest corner of the Reverend *Jonathan Leavitt's* lot ; then east six degrees south about two hundred and forty rods to the southeast corner of the same ; then east twenty-five degrees north, running across *Walnut Hill*, to the west line of *Colerain*, about seven hundred and eighty rods ; then north on the west line of *Colerain* about eighteen hundred rods to the northeast corner of *Green* and *Walker's* grant ; then west ten degrees north, about eleven hundred and twenty rods on the south line of *Halifax* to the first mentioned bounds ; and the said town is hereby invested with all the powers, privileges and immunities that any town within this Commonwealth is entitled unto, agreeable to the constitution of the government of this Commonwealth.

Invested with
privileges, &c.

Proviso.

Provided always, That so much of the said town of *Heath*, as before the passing this act belonged unto the town of *Charlemont*, shall be holden to pay all such continental, state, county and town taxes, already assessed on the inhabitants and proprietors of the said town of *Heath* unto the town of *Charlemont* ; any thing in this act to the contrary notwithstanding.

Certain inhabi-
tants holden to
pay taxes to
Charlemont.

And it is furthermore provided, That the inhabitants and proprietors of the said town of *Heath* shall have one half the meeting house now standing in the town of *Charlemont*, and shall relinquish their right to all the public lands in the said town of *Charlemont* ; and the inhabitants and proprietors of the said town of *Heath*, excepting the inhabitants and proprietors of *Green* and *Walker's* lands, shall also be holden to pay their proportionable part of all continental, state, county and town taxes, required of the town of *Charlemont*, in the same proportion at which they now stand on the valuation of the town of *Charlemont*, until the further order of the General Court, or until a new valuation shall take place.

What part con-
sidered as be-
longing to
Charlemont.

And be it further enacted by the authority aforesaid, That that part of the said town of *Heath* which before the enacting hereof belonged to *Charlemont*, shall be considered as proper inhabitants of the town of *Charlemont*, in the same manner as before their incorporation, respecting any incumbrances the town of *Charlemont* labours under, and in an especial manner, respecting any cost the Rev. *Jonathan Leavitt* may bring upon the town, in consequence of his once being minister of *Charlemont*.

And be it further enacted by the authority aforesaid, That *Samuel Taylor*, Esq; be, and hereby is, empowered to issue his warrant directed to some one principal inhabitant of the said town of *Heath*, directing him to notify the inhabitants of the said town to meet at such time and place as he shall appoint, to choose all such officers as other towns are empowered to choose, at their annual meetings in the month of *March*. *February 14, 1785.*

Samuel Taylor,
Esq; to call a
meeting.

1784. — Chapter 40.

[January Session, ch. 8.]

AN ACT AGAINST ADULTERY, POLYGAMY AND LEWDNESS.

Chap. 40

Whereas chastity of behaviour, and the due observance of the marriage covenant, are highly conducive to the peace, good order and welfare of the community, and the violation of them productive of great evils to individuals and the public:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any man or woman shall commit adultery, and be thereof convicted, every person so convicted shall be set upon the gallows with a rope about his or her neck, and the other end of it cast over the gallows, for the space of one hour, be publicly whipped, not exceeding thirty-nine stripes, be imprisoned or fined, and bound to the good behaviour; all or any of these punishments, according to the aggravation of the offence.

Punishment for
adultery.

And be it further enacted by the authority aforesaid, That if any person within this Commonwealth being married, or who hereafter shall marry, shall marry any person, the former husband or wife being alive, or who shall continue to live so married, and being thereof convicted, shall be sentenced to be set on the gallows for the space of one hour, with a rope about his or her neck, and the other end thereof cast over the gallows, be publicly whipped not exceeding thirty stripes, be imprisoned, fined and bound to the good behaviour; all or any of these punishments, according to the aggravation of the offence; and the party or parties so offending, may receive such and the like proceeding, trial and execution in such county where such person or persons shall be apprehended, as if the offence had been committed in the same county.

Punishment for
polygamy.

Not to extend where husband or wife shall be absent 7 years.

Provided always, That this act or any thing therein contained, shall not extend to any person whose husband or wife shall be continually remaining beyond sea by the space of seven years together, or whose husband or wife shall absent him or herself the one from the other, by the space of seven years together; the one of them, in either case, not knowing the other to be living within that time.

Provided also, That this act, or any thing therein contained, shall not extend to the wife of any married man who shall willingly absent himself from his said wife, by the space of seven years together, without making suitable provision for her support and maintenance in the mean time, if it shall be in his power so to do.

Or to persons divorced, or married within the age of consent.

Provided also, That this act, or anything therein contained, shall not extend to any person that is or shall be at the time of such marriage divorced, by sentence of any Court whatsoever, which has or may have legal jurisdiction for that purpose, unless such person is the guilty cause of such divorce; nor to any person for or by reason of any former marriage had or made, or hereafter to be had or made within the age of consent.

Punishment for lewd and lascivious behaviour.

And be it further enacted by the authority aforesaid, That if any man or woman, either or both of whom being then married, shall lewdly and lasciviously associate and cohabit together, or if any man or woman, married or unmarried, shall be guilty of open gross lewdness and lascivious behaviour, and being thereof convicted before the Justices of the Supreme Judicial Court, shall be punished by setting in the pillory, whipping, fining, imprisonment and binding to the good behaviour; all or any of these punishments according to the aggravation of the offence.

February 17, 1785.

1784. — Chapter 41.

[January Session, ch. 9.]

Chap. 41

AN ACT FOR PROVIDING AND REGULATING OF PRISONS.

Goals to be erected in towns where Courts are holden.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Justices of the Court of General Sessions of the Peace shall from time to time assess the polls and estates within their several counties, in such sums as may be necessary to erect and keep in repair a good and sufficient goal in each town where a Court by

law is to be holden ; and to direct and order the building and repairing such goals, according to their discretion.

Provided nevertheless, That the Courts of Sessions shall not assess any greater sum of money to defray county charges than they shall be authorized by the General Court to assess ; and where the escape of any prisoner shall happen through the insufficiency of the goal, or the negligence of the sheriff or goaler, the sheriff of the county in which the escape happens shall stand chargeable to the plaintiff, creditor or other person, at whose suit or for whose debt he was committed, or to whose use any forfeiture was adjudged against such prisoner ; and in case the escape shall happen through the insufficiency of the goal, the Court of General Sessions of the Peace in the county, shall have power and authority to assess the sum or sums upon the polls and estates of the county, and to order the county Treasurer to pay the same over to the sheriff of the county ; and if the Court of General Sessions of the Peace shall not make such assessments, and if the Treasurer shall not pay such sum or sums within six months next after the demand shall be laid before the Court of Sessions, then the sheriff of the county may bring his action against the inhabitants of such county, to be heard and tried, either in that or one of the next adjoining counties, at his election ; and an attested copy of the writ being left thirty days before the sitting of the Court, with the county Treasurer, by the coroner of the same county, shall be held and adjudged to be sufficient notice of the suit ; and the Justices of the Court of General Sessions of the Peace shall have full power to appoint an agent or agents to appear and defend against such action ; and when it shall so happen that the suit shall be commenced in another county, and no Court of Sessions shall be holden within the county sued, between the time of the service of the writ, and the sitting of the Court before which the action is brought, the cause shall be continued one term ; and all advantages shall be saved to the defendants as though they had appeared at the first term ; and if judgment shall be given against the county, the debt may be levied by execution upon the goods, chattels or lands of any inhabitant or inhabitants of the county who shall thereupon have his or their action jointly or severally in like manner against the county, to recover the monies so levied of him or them.

Escape of prisoners through the insufficiency of goals, or negligence of sheriffs, &c. to whom chargeable.

In case the escape happens through the insufficiency of goals, Court of Sessions empowered, &c.

Penalty for conveying any instrument or tool into prison.

Further penalty in case any prisoner by means of such instrument, &c. shall escape.

Penalty on the goaler for a voluntary escape.

For a negligent escape.

Proviso.

And be it further enacted, That if any person shall directly or indirectly, by any ways or means howsoever, without the knowledge or privity of the keeper, convey any instrument, tool, or other thing whatsoever, to any prisoner, or into any prison, whereby any prisoner might break the prison, or work himself unlawfully out of the same; every person so offending, shall forfeit and pay such fine as by the discretion of the Court shall be imposed, not exceeding *One hundred pounds*, according to the nature of the cause of the prisoner's commitment, or suffer such corporal punishment, not exceeding forty stripes, as the Court shall inflict; and if it shall so happen that any prisoner shall make his escape by means of any instrument, tool or other thing so conveyed, without the knowledge and privity of the keeper, the person so conveying the same, shall be liable to pay all such sums of money as the prisoner stood committed for, and shall have inflicted upon him all such punishment as the escaped prisoner would be liable unto, if he had been convicted of the charge for which he stood committed, unless such prisoner would have been liable to capital punishment, in which case, the person assisting in such escape, shall be punished by fine, imprisonment, whipping, pillory, or sitting on the gallows with a rope about his neck, or any one or more of the said punishments, as the Court shall think proper to inflict.

And be it further enacted, That every goaler or prison keeper that shall voluntarily suffer any prisoner committed unto him to escape, shall suffer and undergo the like pains, punishment and penalties, as the prisoner so escaping should by law, for the crime or crimes where-with he stood charged, if he had been convicted thereof; and if any goaler or prison keeper shall, through negligence, suffer any prisoner accused of any crime to escape, he shall pay such fine as the Justices of the Court before whom he is convicted shall in their discretion inflict, according to the nature of the offence for which the escaped prisoner stood committed.

Provided nevertheless, That if any person who stands committed for debt shall escape from prison, and the sheriff, the goaler or prison keeper, shall within three months next after such escape recover the prisoner so escaped, and return him back to prison again, then the sheriff shall be liable to nothing further than the cost of

any action that may have been commenced against him for such escape; and all fines arising upon the breach of this act, shall be applied to the use of building and repairing the goal or goals in the county where the offence is committed, and shall be paid to the Treasurer of the county for that purpose.

Fines, how
applied.

And be it further enacted by the authority aforesaid, That the sheriffs of the respective counties, from and after the passing this act, shall keep a true and exact calendar or register of all prisoners committed to any prison under his care, and that the same shall be kept in a large bound book provided and kept for that only purpose; and in the same book shall be distinctly and fairly registered, the names of all prisoners who shall from time to time be committed to prison (beginning with the names of those who may be prisoners when this law shall take place) with their names, places of abode, additions, the time of their commitment, for what cause, and by what authority committed; and of such as are committed for criminal offences, a description of their persons; and also from time to time, as any prisoner shall be liberated, the sheriff shall also register in the same book, the name and description of the person as aforesaid, the time when, and the authority by which such liberation took place, and if any prisoner escapes, the time and manner of the escape shall be noted in the said book.

Sheriffs to keep
a true register
of all prisoners.

And it is further enacted, That every goaler or prison keeper, at the opening of the Supreme Judicial Court, or the Court of General Sessions of the Peace within the county where he keeps the goal, shall return a list of prisoners in his custody therein certifying the cause for which, and the persons by whom they were committed, and the names of all persons who shall be committed during the sitting of either of the said Courts, with the cause of their commitment, that the Justices of the same Courts respectively may take cognizance thereof, and as well for the Commonwealth as the parties, may proceed to make deliverance of such prisoners according to law, for the crimes proper to the jurisdiction of the same Courts respectively; and also shall have the said calendar or register of prisoners ready to be inspected by the said Courts; and if any goaler shall make default herein, he shall be fined at the discretion of the Court.

Goalers to re-
turn a list of
their prisoners.

Warrants, mittimuses, &c. to be filed in their order.

Upon removal or death of any Sheriff, to be delivered to his successor.

Apartments to be provided for debtors, separate from criminals.

Justices to enquire into the state of prisons.

Debtors to have liberty of the goal yard, &c.

Proviso.

And be it enacted by the authority aforesaid, That all warrants, mittimuses, writs and instruments of any kind, or the attested copies of them, by which any prisoner shall be committed, enlarged or liberated, shall be safely kept regularly filed in their order of time, and together with the said calendar or register, shall be safely kept in a suitable box for that purpose, and upon the death or removal of any sheriff, shall be delivered to his successor in the office, on the penalty of *Fifty pounds*, to be paid by the sheriff removed, or his executors or administrators, in case of the death of the sheriff, to be recovered by any person who shall prosecute therefor, in any Court proper to try the same.

And it is further enacted, That in the prisons within the several counties of this State, there shall be provided by the Justices of the Court of General Sessions of the Peace, and at the expence of each county respectively, sufficient and convenient apartments for receiving and lodging prisoners for debt, separate and distinct from felons and other criminals; and it shall be the duty of the said Justices at the beginning of every quarter sessions, to enquire into the state of the prisons in their respective counties, with respect to the security of such prisons from escape, the condition and accommodation of the prisoners, and shall from time to time take such measures as may best tend to secure them from escape, sickness and infection.

And be it further enacted, That any person imprisoned for debt, either upon mean process or execution, shall be permitted and allowed to have a chamber and lodging in any of the houses or apartments belonging to such prisons, and liberty of the yard within the same in the day time, but not to pass without the limits of the prison, upon reasonable payment to be made for chamber room, to be set and established once in every year by the Court of Sessions, and not to exceed *two shillings* a week. *Provided,* That such prisoner shall give bond with sufficient surety or sureties, within the county, to the creditor or creditors, in double the sum for which he is imprisoned, conditioned that from the time of executing such bond, he will continue a true prisoner in the custody of the goaler, and within the limits of the said prison, until he shall be lawfully discharged, without committing any

manner of escape; and in order to prevent any oppression under pretence of the surety or sureties being insufficient, two disinterested Justices of the Peace, *quorum unus*, shall be called to approve of the surety or sureties, and the same being approved by them, shall be deemed sufficient; and if the creditor or creditors shall refuse to take the bond, the same shall be left with the sheriff until the creditor or creditors shall demand the same; and upon putting such bond in suit when the condition shall be broken, judgment shall be entered up for the whole of the penalty, and no chancery shall be allowed therein; and the Court of General Sessions of the Peace shall fix and determine the boundaries of the goal yards to the several goals appertaining in their respective counties, as soon as may be after the publication of this act.

Whereas it may at some times happen, that the goaler or prison keeper may demand an unreasonable compensation for articles provided for a prisoner, while in prison, under his custody:

Therefore be it further enacted by the authority aforesaid, That whenever any dispute about the price of such articles shall arise, the Court of General Sessions of the Peace for the county in which such goal stands, shall be, and hereby are, fully authorized to hear and finally to determine all such disputes.

February 21, 1785.

Disputes arising by unreasonable demands of goalers, how determined.

1784. — Chapter 42.

[January Session, ch. 10.]

AN ACT TO PREVENT THE DESTROYING AND MURDERING OF BASTARD CHILDREN.

Chap. 42

Whereas many lewd and dissolute women, being pregnant with bastard children, who regardless of natural affection, and to avoid shame and escape punishment, do conceal their pregnancy, and the birth and death of such children, by means whereof many of them perish for want of necessary and usual assistance, and it cannot be known that they were not murdered:

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any woman shall conceal her pregnancy, and shall willingly be delivered in secret by herself of any issue of her body, male or female, which shall by law be a bastard, every such woman so offending, shall pay a fine not exceeding the sum of fifty pounds, to the use of

Penalty for concealing pregnancy, &c.

this Commonwealth, to be recovered by information or indictment in any Court proper to try the said offence, or imprisoned, not exceeding three months, at the discretion of the Court.

Penalty for
concealing the
death of a
bastard.

And be it further enacted by the authority aforesaid, That if any woman shall endeavour privately, either by herself or the procurement of others, to conceal the death of any such issue of her body, which if it were born alive would by law be a bastard, so that it may not come to light whether it were born alive or not, or whether it was murdered or not; in every such case, the mother so offending shall be set upon the gallows, with a rope about her neck, for the space of one hour, and be further punished by being bound to the good behaviour, at the discretion of the Court.

Women charged
with murder,
directions in
this case.

And be it further enacted by the authority aforesaid, That if the Grand Jury shall in the same indictment charge any woman with the wilful murder of her infant bastard child, as well as with either or both the offences aforesaid, and it appear to the jury of trials that she is guilty of the murder charged, she shall be thereupon convicted of murder, and suffer the pains of death as in case of murder; but if it doth not appear to the same jury that she is guilty of the murder charged in the indictment, but only of either or both the offences first herein mentioned, then the same jury may acquit her of the charge of murder, and find her guilty of the said first mentioned offences, or either of them, as the case may be.

February 26, 1785.

1784. — Chapter 43.

[January Session, ch. 11.]

Chap. 43 AN ACT FOR NATURALIZING NICHOLAS ROUSSELET AND GEORGE SMITH.

Preamble.

Whereas Nicholas Rousselet, resident in Boston, auctioneer, and George Smith, resident in Andover, labourer, have dwelt within this Commonwealth several years, and demeaned themselves well, and have applied to the Legislature to be naturalized:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said *Nicholas Rousselet*, and the said *George Smith*, be permitted to take and subscribe the

Permitted to
take the oath
of allegiance, &c.

oath of allegiance to this Commonwealth, before two Justices of the Peace, *quorum unus*, of the county where they dwell; and thereupon, and thereafter, shall be deemed, adjudged, and taken to be citizens of this Commonwealth, and entitled to all the liberties, rights and privileges of natural born citizens.

And be it further enacted by the authority aforesaid, That the Justices before whom the said *Nicholas Rouselet* and *George Smith* may take and subscribe the oaths aforesaid, shall make return thereof to the Secretary of the Commonwealth, who shall record the same in the book ordered to be kept for such purpose.

Justices to make
return thereof to
the Secretary.

February 28, 1785.

1784. — Chapter 44.

[January Session, ch. 12.]

AN ACT AGAINST MURDER AND MANSLAUGHTER.

Chap. 44

Be it declared and enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whosoever shall commit wilful murder, of malice aforethought, and being thereof convicted before the Justices of the Supreme Judicial Court, shall suffer the pains of death.

Murderers to
suffer death.

And be it further enacted by the authority aforesaid, That whosoever shall commit manslaughter, and being thereof convicted before the Justices of the Supreme Judicial Court, shall be liable to be set on the gallows for the space of one hour, with a halter about his neck, and one end thereof cast over the gallows; to be branded in the forehead with the letter M; to be imprisoned, not more than twelve months; and to be bound to the good behaviour: And the same Justices shall sentence the said convict to suffer all or part of these punishments, according to the aggravation of the offence.

Punishment for
manslaughter.

February 28, 1785.

1784. — Chapter 45.

[January Session, ch. 13.]

AN ACT ALTERING THE NAME OF THE TOWN OF RICHMONT,
IN THE COUNTY OF BERKSHIRE.

Chap. 45

Whereas the inhabitants of the town of Richmond, in the county of Berkshire, have petitioned this Court, setting

Preamble.

forth, that in the year One thousand seven hundred and sixty-five, the said inhabitants petitioned the General Court to be incorporated into a town by the name of Richmond; and that through mistake, (as they suppose) the said town was incorporated by the name of Richmont, and praying that this Court would alter the name of the said town from Richmont to Richmond.

Enacting
clause.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the name of the said town shall be no more Richmont, but that it shall be called by the name of Richmond: Any law to the contrary notwithstanding.

March 3, 1785.

1784. — Chapter 46.

[January Session, ch. 14.]

Chap. 46

AN ACT AGAINST SODOMY.

Persons con-
victed, to suffer
death.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any man shall lay with mankind as he layeth with a woman; or any man or woman shall have carnal copulation with any beast or brute creature, and be thereof duly convicted, the offender, in either of those cases, shall be adjudged guilty of felony, shall be sentenced to suffer the pains of death, and the beast shall be slain, and every part thereof burned.

Such process,
&c. used, as in
cases of mur-
der.

And be it further enacted by the authority aforesaid, That such order and form of process shall be had and used, in trial of such offenders, and such judgment given, and execution done, upon the offender, as in cases of murder.

March 3, 1785.

1784. — Chapter 47.

[January Session, ch. 15.]

Chap. 47

AN ACT FOR INCORPORATING THE PLANTATION OF SHAPLEIGH, IN THE COUNTY OF YORK, INTO A TOWN BY THE NAME OF SHAPLEIGH; AND FOR ANNEXING CERTAIN LANDS TO LEBANON.

Preamble.

Whereas it will promote the growth of the said plantation, (which, by the return of their rateable polls, already exceed one hundred and fifty) and remedy many inconveniences they must necessarily, in an unincorporated state, labour under:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the tract of land in the county of York, lying below Little Ossapee River, granted and confirmed to the proprietors claiming the same under Nicholas Shapleigh, by an act made and passed in the year seventeen hundred and eighty-two, together with a gore of land on the northeasterly side thereof, adjoining the same, which the proprietors of lands, under the will of Bridget Phillips, for a valuable consideration, have released to the said Shapleigh proprietors; which tracts contain about sixty square miles, and are bounded, west-

Boundaries.

erly, by Salmon Fall river, and by a line run by order of Governor Belcher, in the year seventeen hundred and forty-one, between New Hampshire and the late Province of Maine, northerly by Little Ossapee pond and river; easterly, by lands of the said Phillips's proprietors in part, and partly by a gore of land belonging to the Commonwealth; southerly, by lands of the Commonwealth in part, and partly by lands lying in no place incorporated, but laid out and held by virtue of province grants; with the inhabitants thereon, be, and hereby are incorporated into a town, by the name of Shapleigh, with all the powers, privileges and immunities that towns in this Commonwealth have or do enjoy.

Invested with powers, &c.

And be it further enacted, That Benjamin Chadbourn, Esq; be, and he hereby is, empowered to issue his warrant to some principal inhabitant of the said town, requiring him to call a meeting of the said inhabitants, in order to choose such officers as towns by law are empowered to choose in the month of March, annually.

Benjamin Chadbourn, Esq; to call a meeting.

And be it further enacted, That the several tracts of land laid out to Woodman, Cook and Bayley, by virtue of grants made from the late province of Massachusetts Bay, lying westerly of the town of Lebanon, and between that town, and Salmon Fall River, be and hereby are, annexed to the town of Lebanon.

Lands annexed to Lebanon.

Provided, That nothing in the foregoing act shall be so construed as to exempt any person from paying taxes already assessed upon him, but all persons shall be severally held and obliged to pay such taxes assessed upon them respectively, and the payment thereof may and shall be enforced in like manner as if this act had never been passed.

Proviso.

What lands considered as part of Sandford.

Be it further enacted by the authority aforesaid, That all gores and tracts of land adjoining to the town of Sandford, not belonging to any other incorporated town, except such as belong to the plantation of Massabesec, shall be annexed to, and considered as part of the said town of Sandford.

March 5, 1785.

1784. — Chapter 48.

[January Session, ch. 16.]

Chap. 48

AN ACT AGAINST BURGLARY.

Be it declared and enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person shall in the night time burglariously break and enter any dwelling house, with intent to kill, rob, steal, commit rape, or to do or perpetrate any other felony, the person so offending, and being thereof convicted, shall suffer the pains of death.

March 7, 1785.

1784. — Chapter 49.

[January Session, ch. 17.]

Chap. 49 AN ACT FOR DIRECTING THE USE AND APPROPRIATION OF A CHARITABLE DONATION, MADE IN A CERTAIN CLAUSE IN THE LAST WILL AND TESTAMENT OF *EPHRAIM WILLIAMS, ESQ*; FOR THE SUPPORT AND MAINTENANCE OF A FREE SCHOOL, IN *WILLIAMSTOWN*, IN THE COUNTY OF *BERKSHIRE*; AND FOR INCORPORATING CERTAIN PERSONS AS TRUSTEES, IN ORDER MORE EFFECTUALLY TO EXECUTE THE INTENTION OF THE TESTATOR, EXPRESSED IN THE SAME.

Preamble.

Whereas Israel Williams, Esq; and John Worthington, Esq; executors of the last will and testament of Ephraim Williams, Esq; deceased, have represented to this Court, that the said Ephraim Williams, on the twenty-second day of July, Anno Domini, One thousand seven hundred and fifty-five, made his last will and testament; in which, after divers bequests, devises and dispositions, is contained the following clause, viz.:

Clause in the will.

“Item. It is my will, desire and pleasure, that the remaining part of the lands not yet disposed of, shall be sold at the discretion of my executors, within five years after an established peace; and the interest of the money, and also the interest arising from my bonds and notes, shall be

appropriated towards the support and maintenance of a Free School, in a township west of *Fort Massachusetts*, commonly called the West Township, forever; *provided*, the said township shall fall within the jurisdiction of the Province of *Massachusetts Bay*; and *provided also*, the Governor and General Court give the said township the name of *Williamstown*; and it is my further will and desire, that if there should remain any monies of the above donation for the school, it be given towards the support of a school in the East Township, where the fort now stands; but in case the above provisos are not complied with, then it is my will and choice, that the interest of the abovementioned monies be appropriated to some pious and charitable uses, in manner and form as above directed in the former part of this my last will and testament."

And whereas the said executors have further represented, that it may be a matter of doubt and uncertainty whether the township mentioned in the before recited clause, (which is now incorporated by the name of Williamstown) has so far fallen within the jurisdiction of the Province of Massachusetts, now Commonwealth of Massachusetts, in the sense of the testator, as that they might be justified in appropriating the said donation to the support and maintenance of a Free School in the same town; and have submitted their duty herein to the determination of this Court praying that an act may be passed to declare their duty, and to indemnify them in the execution of the same:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by authority of the same, That the donation made in the clause before recited, ought to be presently applied and appropriated to the use and maintenance of a Free School in the town of *Williamstown*, in the county of *Berkshire*, and that in case the said donation shall afford an annual interest more than sufficient for the supporting and maintaining such school in *Williamstown*, then the surplusage be appropriated to the use and maintenance of a Free School in the tract of land called by the testator the East Township, now incorporated by the name of *Adams*, with other lands adjoining, and that the said executors be, and hereby are, indemnified in applying and appropriating the said donation to the uses above expressed, and shall be liable to no action or suit in law or equity, on account of such appropriation.

Donation made
in the clause,
how to be
applied.

Executors in-
demnified.

And whereas the said executors have further prayed, that for carrying into complete execution the intention of the testator, a corporation may be created and vested with such powers as may be necessary for that purpose:

Trustees appointed and incorporated.

Be it therefore enacted by the authority aforesaid, That William Williams, of Dalton, Theodore Sedgwick, Woodbridge Little, John Bacon, Thomson Joseph Skinner, Esquires, the Reverend Seth Swift and Daniel Collins, Mr. Israel Jones and Mr. David Noble, and their successors, to be elected and appointed as hereinafter directed and provided, be, and hereby are, incorporated and shall be a corporation forever, by the name of "The Trustees of the Donation of Ephraim Williams, Esq; for maintaining a Free School in Williamstown;" and that the said Trustees and their successors be, and hereby are, vested with all the powers, rights and immunities, which are by law incident to aggregate eleemosynary corporations.

Vested with powers.

How many the corporation shall consist of.

And be it further enacted, That the said corporation shall always consist of a number of not less than seven, nor more than nine persons, excepting only that whenever a vacancy shall happen by the death, removal, refusal or resignation of any member or members, so that the number be reduced to less than the aforesaid number of seven, then the remaining or surviving Trustees shall have full power to perform all corporate acts until such vacancy be supplied; and the said Trustees shall elect and appoint a clerk of the corporation, who shall fairly enter and record all votes, acts, orders and proceedings, made, done or passed by the Trustees; and shall also elect a proper person to be their treasurer, who shall receive into his hands all monies belonging to the corporation, and pay out the same pursuant to the order of the Trustees, and shall always keep a fair account of all receipts and payments.

Trustees to elect a clerk and treasurer.

Power of electing successors in case of the death, &c. of any Trustee, vested in the Supreme Judicial Court.

And be it further enacted, That the power of electing and appointing successors in case of the death, removal, refusal or resignation of any of the Trustees, be, and hereby is, vested solely in the Supreme Judicial Court of this Commonwealth; and whenever any of the abovementioned cases shall happen, the Trustees shall as soon as conveniently may be, certify the same to the Justices of the said Court, that a successor may be appointed; and the Justices of the same Court are hereby empowered to remove from office and trust, any member of the corporation who shall, in their judgment, be unfit to hold the same, by

Empowered to remove any member in their judgment unfit.

reason of incapacity, misdemeanor, negligence or breach of trust.

And to the intent that the said donation may not be wasted, mismanaged, or perverted from its original intention :

Be it further enacted by the authority aforesaid, That the said corporation and the donation itself, shall always be under the visitation and direction of the Supreme Judicial Court, who are hereby empowered to visit the said corporation to rectify all abuses, to determine all matters of doubt or dispute touching the duty of the Trustees, and the use, application or appropriation of monies or interests to the same donation belonging ; and to make all such orders and regulations with respect to the use, management and appropriation of the same donation, and every part thereof, as they shall judge necessary or useful in order to promote the best interest of the school, according to the true meaning and intention of the testator, and such laws of this Commonwealth as may be in force respecting the same ; and the said Court whenever they shall judge necessary, shall cause the said Trustees to come before them, either to render an account of expenditures and dispositions of monies, or to answer for any mismanagement or breach of trust ; and the Trustees shall appear and lay their accounts, papers, records and corporation books, before the said Court for inspection, whenever they shall be required thereto.

Corporation,
&c. to be under
the direction of
the Supreme
Judicial Court.

Empowered to
cause the Trus-
tees to come be-
fore them.

And be it further enacted, That the said Trustees and their successors forever, shall have the possession, management and disposition of the whole interest and estate, real and personal, which is contained in and given, bequeathed, devised or disposed of by the above recited clause in the will aforesaid ; and they are hereby empowered and directed, as soon as conveniently may be, to erect and maintain a Free School within the said town of *Williamstown*, for the instruction of youth, in such manner as most effectually to answer the pious, generous and charitable intention of the testator, and agreeable to such orders and directions as they may from time to time receive from the Supreme Judicial Court ; and they are hereby empowered to appoint and employ such instructors, masters and officers, as shall be necessary for that purpose.

Trustees to have
possession, &c.
of the whole
estate given in
the will.

Empowered to
erect a school,
employ instruct-
ors, &c.

And to the intent that the said Trustees may be enabled in the most easy and expeditious manner, to receive into their own possession and management the whole estate, property and interest contained in the aforesaid donation :

Executors to execute to the Trustees, deeds of the lands, &c. yet unsold.

To deliver to the Trustees, all personal securities, &c. now in their hands.

Trustees empowered to bring actions against obligors, &c.

Preamble.

In case of a surplusage, how to be employed.

Be it further enacted by the authority aforesaid, That the said executors shall, at the request of the Trustees, make and execute to the said Trustees a deed or deeds of conveyance of all such lands or real estate as belong to said donation, and yet remain unsold, in which deed or deeds it shall be expressed, that the executors do grant to the Trustees the right, estate and interest of the testator, and of themselves, in and to the described lands or tenements; and the said deed or deeds so made and executed, being acknowledged and registered according to law, shall be good and effectual, to pass the fee of such lands or tenements to the Trustees and their successors forever; and the said executors shall deliver over into the hands of the Trustees at their request, all such personal securities or mortgages as the executors now have in their own hands, and which are a part of the same donation; all which securities, whether bonds, promisory notes, mortgage deeds, or of what name or description soever, being indorsed with the name of the said executors, or one of them, and delivered as aforesaid, shall become the property of the Trustees to all intents and purposes; and they are hereby empowered, in the name of the corporation, to bring any action or actions against the obligors, promisors, mortgagors or tenants, for recovering the contents of the same securities, or possession of mortgaged estates, which action or actions shall be holden to be good and valid in law for that purpose, as if the securities or mortgage deeds had been originally made to the Trustees by their corporate names.

And whereas the testator has directed, that in case his principal donation should afford an interest more than sufficient for the support and maintenance of the school in Williamstown, the surplusage should be improved to the use of a school in the East Township, now called Adams, in the said county of Berkshire; and whereas questions and disputes may arise touching the meaning and extent of this part of the will, and when there may be said to be a surplusage beyond what should be necessary, according to the intent of the testator, for the support of the school in Williamstown:

Be it further enacted, That in case of such surplusage, the said Trustees are hereby empowered and directed to use and employ the same for erecting and supporting a Free School in the said town of Adams, in the same manner as has been in this act before provided in respect of the school in Williamstown; and that all questions and

disputes that may arise concerning such surplusage, and the duty of the Trustees in respect of the several schools, shall be determined by the Supreme Judicial Court; and the Trustees shall always conform their conduct and administration herein, to such orders and determinations as shall from time to time be made by the same Court.

And be it further enacted, That the Supreme Judicial Court may at their discretion exercise all the powers vested in them by virtue of this act, at any of their sessions holden within the counties of *Berkshire* or *Hampshire*; and in all trials at law the Court *ex officio* shall take notice of this act, and the same shall be holden as a public act to all intents and purposes whatsoever, and the same shall be given in evidence under any general issue.

Discretionary
powers vested
in the Supreme
Judicial Court.

March 8, 1785.

1784. — Chapter 50.

[January Session, ch. 18.]

AN ACT AGAINST SELLING UNWHOLESOME PROVISIONS.

Chap. 50

Whereas some evilly disposed persons, from motives of avarice and filthy lucre, have been induced to sell diseased, corrupted, contagious or unwholesome provisions, to the great nuisance of public health and peace:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person shall sell any such diseased, corrupted, contagious or unwholesome provisions, whether for meat or drink, knowing the same, without making it known to the buyer, and being thereof convicted before the Justices of the General Sessions of the Peace, in the county where such offence shall be committed, or the Justices of the Supreme Judicial Court, he shall be punished by fine, imprisonment, standing in the pillory, and binding to the good behaviour, or one or more of these punishments, to be inflicted according to the degree and aggravation of the offence.

March 8, 1785.

1784. — Chapter 51.

[January Session, ch. 19.]

AN ACT AGAINST PERJURY AND SUBORNATION OF PERJURY.

Chap. 51

Be it enacted by the Senate and House of Representatives in General Court assembled and by the authority

Punishment for perjury.

of the same, That if any person being lawfully required to depose the truth in any proceeding in a course of justice, shall commit any manner of wilful perjury, every person so offending and being thereof convicted before the Justices of the Supreme Judicial Court, shall forfeit and pay a fine not exceeding three hundred pounds, or be set in the pillory not more than two hours, nor less than one hour at a time, and at divers times and places, or shall be whipped at the public whipping post, not exceeding thirty-nine stripes, on the naked back, at one or more times and places, not exceeding three times or three places, and shall suffer all or part of these punishments according to the aggravation of the perjury, as affecting life, liberty, reputation or property; and the oath of such person so offending, and thereof duly convicted as aforesaid, shall not be received in any Court of record, until such time as the judgment given against such person shall be reversed.

For subornation of perjury.

And be it further enacted by the authority aforesaid, That if any person shall commit subornation of perjury, by procuring another person to commit wilful and corrupt perjury as aforesaid, every person guilty of such subornation of perjury, and being thereof duly convicted, shall be liable to, and suffer the same forfeitures, pains, penalties and disabilities, in all respects as abovementioned, according to the aggravation of his offence.

Punishment for endeavouring to incite others to commit perjury.

And be it further enacted by the authority aforesaid, That if any person shall wilfully and corruptly endeavour to incite or to procure another person to commit wilful and corrupt perjury as aforesaid, and the person so incited do not commit such perjury, the person so corruptly endeavouring to incite and procure the committing of perjury, shall be punished by fine, not exceeding One hundred pounds, or imprisonment, not exceeding two years, or both, according to the aggravation of the offence, and binding to the good behaviour, at the discretion of the Court before whom the same is tried.

March 9, 1785.

1784. — Chapter 52.

[January Session, ch. 20.]

Chap. 52

AN ACT FOR THE PUNISHMENT OF ROBBERY.

Be it enacted by the Senate and House of Representatives, in General Court assembled and by the authority of

the same, That every person who shall feloniously assault, rob and take from the person of another, any money, goods, chattels or other property that may be the subject of theft, and shall be thereof convicted, shall be adjudged guilty of felony, and shall suffer the pains of death.

Punishment for robbery.

And be it further enacted by the authority aforesaid, That if any person shall with any offensive weapon, or by menaces, or in any forceable or violent manner assault any person, and demand of him any goods, money or other property that may be the subject of theft, with a felonious intent to rob him, and being thereof convicted, he shall be punished by fine, not exceeding one thousand pounds, imprisonment, setting in the pillory, whipping, setting on the gallows with a rope about his neck and the other end thereof thrown over the gallows, confinement to hard labor, not exceeding three years, or either of these punishments, according to the degree and aggravation of the offence.

Punishment for an assault, with a felonious intent.

March 9, 1785.

1784. — Chapter 53.

[January Session, ch. 21.]

AN ACT FOR INCORPORATING CERTAIN PERSONS FOR THE PURPOSE OF BUILDING A BRIDGE OVER CHARLES RIVER, BETWEEN BOSTON AND CHARLESTOWN, AND SUPPORTING THE SAME DURING THE TERM OF FORTY YEARS.

Chap. 53

Whereas the erecting a bridge over Charles River, in the place where the Ferry between Boston and Charlestown is now kept, will be of great public utility, and Thomas Russell, Esq; and others having petitioned this Court for an act of incorporation to empower them to build the said bridge, and many persons under the expectation of such an act, have subscribed to a fund for executing and completing the aforesaid purpose:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Hon. John Hancock, Esq; Thomas Russell, Nathaniel Gorham, James Swan, and Eben Parsons, Esquires, so long as they shall continue to be proprietors in the said fund, together with all those who are, and those who shall become proprietors to the said fund or stock, shall be a corporation and body politick, under the name of “The Proprietors of Charles River Bridge;” and by that name may sue and prosecute,

Proprietors incorporated.

and be sued and prosecuted to final judgment and execution, and do and suffer all other matters and things which bodies politick may, or ought to suffer or to do; and that the said corporation shall and may have full power and authority to make, have and use a common seal, and the same to break, alter and renew at pleasure.

Empowered to
call meetings.

And be it further enacted by the authority aforesaid, That the said *John Hancock, Thomas Russell, Nathaniel Gorham, James Swan, and Eben Parsons, Esq's.* or any three of them, may, by advertisement in any two of the *Boston* newspapers, warn or call a meeting of the said Proprietors, to be holden at *Boston* or *Charlestown* aforesaid, at any suitable time after fifteen days from the publication of the said advertisement; and the said Proprietors, by a vote of the majority of those present or represented at the said meeting, (accounting and allowing a vote to each share in all cases) shall choose a clerk, who shall be duly sworn to the faithful discharge of his office, and also shall agree on a method for calling future meetings, and at the same or any subsequent meeting, may make and establish any rules and regulations that shall be necessary or convenient for regulating the said corporation, effecting, compleating and executing the purposes aforesaid, or for collecting the toll hereinafter granted, and the same rules and regulations may cause to be kept and executed, or for the breach thereof may order and enjoin fines and penalties, not exceeding *Four pounds*, provided the rules and regulations aforesaid are not repugnant to the constitution or laws of the Commonwealth; and the said Proprietors may also choose and appoint any other officer or officers of the corporation that they may deem necessary, and all representations at the said meetings shall be proved by a special appointment in writing, signed by the person making his representative, which shall be filed with or recorded by the clerk; and this act, and all rules, regulations and votes of the said corporation, shall be fairly and truly recorded by their said clerk, in a book or books for that purpose provided and kept, which book or books shall be subject to the inspection of any person or persons for that purpose appointed by the legislature.

To establish
necessary rules
for regulating
the corpora-
tion, &c.

Proviso.

Rules, regula-
tions and votes,
to be recorded
by their clerk,
subject to in-
spection.

Toll estab-
lished.

And be it further enacted by the authority aforesaid, That for the purpose of reimbursing the said Proprietors the money expended, or to be expended in building and

supporting the said bridge, a toll be, and is hereby granted and established for the sole benefit of the said Proprietors, according to the rates following, *viz.* : Each foot passenger (or one person passing) two-thirds of a penny ; one person and horse, two pence two-thirds of a penny ; single horse cart, or sled or sley, four pence ; wheelbarrows, hand-carts, and other vehicles capable of carrying like weight, one penny one third of a penny ; single horse and chaise, chair or sulkey, eight pence ; coaches, chariots, phaetons and curricles, one shilling each ; all other wheel carriages or sleds drawn by more than one beast, six pence ; sleys drawn by more than one beast, six pence ; neat cattle and horses passing the said bridge, exclusive of those rode, or in carriages or teams, one penny one third of a penny ; swine and sheep, four pence for each dozen, and at the same rate for a greater or less number ; and in all cases the same toll shall be paid for all carriages and vehicles passing the said bridge, whether the same be loaded or not loaded ; and to each team, one man and no more shall be allowed as a driver, to pass free from payment of toll ; and in all cases double toll shall be paid on the Lord's day ; and at all times when the toll gatherer shall not attend his duty, the gate or gates shall be left open. And the said toll shall commence at the day of the first opening of the said bridge for passengers, and shall continue for and during the term of forty years from the said day, and be collected as shall be prescribed by the said corporation.

Toll to continue
forty years.

And be it further enacted by the authority aforesaid, That the said bridge shall be well built, at least forty feet wide, of sound and suitable materials, with a convenient draw or passage way, at least thirty feet wide, and at a proper place, with well constructed, substantial piers on each side, and well planked on the top and sides with plank proper for such a bridge ; and the same shall be kept in good, safe and passable repair, for the term aforesaid, and at the end of the said term, the said bridge shall be left in like repair : And the said Proprietors shall constantly keep the said bridge accommodated with at least twenty good lamps on each side the same, which shall be well supplied with oil, and lighted in due season, and kept burning till twelve of the clock at night ; and also at the several places where the toll shall be received, they shall erect and constantly expose to open view, a

Manner in
which the
bridge shall
be built.

How accom-
modated.

sign or board with the rates of toll of all the tollable articles fairly and legibly written thereon in large or capital letters; and the draw shall be lifted for all ships and vessels without toll or pay, except such as usually pass under *Cambridge* bridge, and those passing for pleasure.

Sum allowed
Harvard Col-
lege, annually.

At the end of 40
years, the
bridge to revert
to the Common-
wealth.

And be it also further enacted by the authority aforesaid, That after the said toll shall commence, the said Proprietors or corporation shall annually pay to *Harvard College* or University, the sum of Two hundred pounds, during the said term of forty years; and at the end of the said term, the said bridge shall revert to and be the property of the Commonwealth, saving to the said College or University, a reasonable and annual compensation for the annual income of the ferry, which they might have received had not said bridge been erected.

And be it further enacted, That if the said Proprietors shall refuse or neglect, for the space of three years after the passing of this act, to build and compleat the said bridge, then this act shall be void and of no effect.

March 9, 1785.

1784. — Chapter 54.

[January Session, ch. 22.]

Chap. 54 AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND, SITUATE BETWEEN THE RIVERS OF *GREAT AND LITTLE OSS�PEE*, IN THE COUNTY OF *YORK*, WHICH WAS SETTLED BY *THOMAS PARSONS* AND HIS ASSOCIATES.

Preamble.

Whereas the inhabitants of the said tract of land have represented to this Court, that at great labour and expence they have severally settled the said tract; but by reason of their unincorporated state, are not in a capacity to raise money necessary for repairing roads, and supporting the preaching of the gospel, and schools, nor of answering the demands that may arise for their proportion of the public taxes:

Boundaries.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the tract of land aforesaid, bounded as follows, *viz.* Beginning at *Great Ossipee* river, where the province line (so-called) between *New Hampshire* and the late province of *Maine*, crosses the said river; thence running south, eight degrees west, by the said line, to the top of a mountain three quarters of a

mile south of a pond, called *Province Pond*; thence east, eight degrees south, by a spotted line, to an elm tree, spotted near a small frog pond; thence north, eight degrees east, by a spotted line, to the bank of *Great Ossipee* river; thence westerly by the said river to the bounds first mentioned; containing by estimation thirty-six square English miles, be, and hereby is, erected into a town by the name of *Parsonsfeld*; and that the inhabitants thereof be, and they hereby are, vested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do, or may by law enjoy.

Invested with powers.

And be it further enacted, That *Simon Frye*, Esq; be, and he hereby is, empowered to issue his warrant to some principal inhabitant of the said town, requiring him to warn the inhabitants thereof to meet at such time and place as he shall therein set forth, to choose all such officers as towns are by law required and empowered to choose in the month of *March*, annually.

Simon Frye, Esq; to call a meeting.

Provided always, That this act shall be so construed, any thing therein to the contrary notwithstanding, as not to affect the claim of this Commonwealth, or other corporate body, or of any private person whatever, to the said tract of land, or any part thereof, if any such claim exists.

Proviso.

March 9, 1785.

1784. — Chapter 55.

[January Session, ch. 1.]

AN ACT FOR REGULATING AND GOVERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Chap. 55

Whereas the laws now in force, for regulating the militia of the Commonwealth, are found to be insufficient for the said purpose:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several laws heretofore made for regulating the militia aforesaid, be, and hereby are, repealed.

Laws heretofore made for regulating the militia repealed.

Provided nevertheless, That all actions and processes commenced and depending in any Court within this Commonwealth, upon or by force of the said laws, shall,

Proviso.

and may be sustained and prosecuted to final judgment and execution; and that all officers elected, appointed and commissioned agreeably to law, shall be continued in commission, and hold their respective commands in the militia, in the same manner as they would in case the said laws were still in force.

Militia, how
formed.

And be it further enacted by the authority aforesaid, That the said militia shall be formed into a Train Band, and Alarm List: the Train Band to contain all able bodied men, from sixteen to forty years of age, and the Alarm List, all other men under sixty years of age, excepting in both cases such as shall be hereafter by this act exempted.

— to be in four
divisions.

And be it further enacted by the authority aforesaid, That the said militia be, and hereby is formed into four divisions; the counties of *Suffolk, Essex and Middlesex*, composing the first division; the counties of *Hampshire, Worcester and Berkshire*, the second division; the counties of *Plymouth, Barnstable, Bristol, Dukes County and Nantucket*, the third division; and the counties of *York, Cumberland and Lincoln*, the fourth division.

General and
divisionary staff
to each of the
divisions.

And be it further enacted by the authority aforesaid, That there shall be a general and divisionary staff to each of the divisions aforesaid, consisting of one Major General, who shall have two aids de camp, a Deputy Adjutant General, who shall also be Inspector, and a Deputy Quarter Master.

Governor with
advice of Coun-
cil to form divi-
sions into bri-
gades, &c.

And be it further enacted by the authority aforesaid, That the Governor, or Commander in Chief, with the advice of Council, be, and hereby is, authorized and empowered to form the said divisions into brigades, regiments and companies; and from time to time to alter and divide such brigades, regiments and companies, as he shall judge expedient. *Provided notwithstanding,* That the several brigades, regiments and companies of militia, shall remain as they are now formed, until new arrangements thereof shall take place.

Proviso.

Each brigade to
have a brigadier
general, &c.

And be it further enacted by the authority aforesaid, That there shall be a Brigade General and Staff to each brigade of the militia aforesaid, consisting of a Brigadier General, a Brigade Major, who shall also be sub-inspector, and a Brigade Quarter Master.

Each regiment
to have a regi-
mental, field,

And be it further enacted by the authority aforesaid, That there shall be a regimental, field, commissioned and non-commissioned staff to each regiment of the militia

aforesaid, consisting of one Colonel, one Lieutenant-Colonel, one Major, one Adjutant, one Quarter Master, one Serjeant Major, one Quarter Master Serjeant, one Drum Major and one Fife Major.

commissioned
and non-com-
missioned staff.

And be it further enacted by the authority aforesaid, That there shall be one Captain, one Lieutenant, one Ensign, one Clerk, who shall be sworn to the faithful discharge of his duty, four Serjeants, four Corporals, one Drummer and one Fifer, to each company of the said militia. *Provided, notwithstanding,* That in companies where, in pursuance of the law which by this act is repealed, two Lieutenants are in commission, they shall continue to hold their present rank.

Companies to
have one captain
&c. Clerk to be
sworn.

Proviso.

And be it further enacted by the authority aforesaid, That the Governor, or Commander in Chief, shall appoint the Deputy Adjutant General; the Major Generals shall appoint the Deputy Quarter Masters of their respective divisions; the Brigadier Generals shall appoint the Quarter Masters of their respective brigades; the Colonels shall appoint the Serjeant Majors, Quarter Master Serjeants, Drum Majors and Fife Majors of their respective regiments; and the Captains shall appoint the non-commissioned officers of their respective companies.

Deputy Adju-
tant General,
Deputy Qua-
Masters, &c. by
whom ap-
pointed.

And be it further enacted by the authority aforesaid, That the Adjutant General shall be commissioned with the rank of Brigadier General, the Deputy Adjutant Generals with the rank of Colonels, and the Aids de Camp and Brigade Majors with the rank of Majors; the Adjutants shall be commissioned with the rank of first Lieutenant, and the Serjeants shall each receive a warrant from the Colonel of the regiment to which they shall belong.

Adjutant Gen.
Deputy Adj.
General, &c.
their rank.

And be it further enacted by the authority aforesaid, That each and every Major General be, and hereby is, empowered and it shall be his duty to give all such orders as shall from time to time be necessary, consistent with the law, for electing Brigadier Generals, Field Officers, Captains and Subalterns, in brigades, regiments and companies, within his respective division, which have not been already commissioned; and for filling up vacancies of such officers, or any of them, where they now are, or may hereafter happen. *Provided always,* That whenever a time shall be appointed for the election of any officer or officers, the electors shall have ten days notice thereof at least; and all returns of elections, and of neglects or

Major Generals,
their duty.

Proviso.

refusals to make choice of officers, shall be made to the Governor, by the Major General, in whose division the election shall be ordered; and all commissions shall pass through the hands of the Major Generals to the officers, in their respective divisions, for whom they shall be made out; and every person who shall be elected to any office in the said militia, and shall not within ten days after he shall have been notified of his election, signify his acceptance thereof, shall be considered as declining to serve in such office, and orders shall be forthwith issued for a new choice.

Persons elected to the offices aforesaid to be sworn, &c.

And be it further enacted by the authority aforesaid, That every person who shall be elected or appointed to any of the offices aforementioned, shall, at the time of receiving his commission, take and subscribe the oath and declaration required by the constitution of this Commonwealth, before some Justice of the Peace, or some general or field officer, who shall have previously taken and subscribed them himself; and a certificate thereof shall be made upon the back of every commission, by the Justice of the Peace, or general or field officer, before whom the said oath and declaration shall have been taken and subscribed.

Non-commissioned officers and soldiers to equip themselves with arms and accoutrements.

And be it further enacted by the authority aforesaid, That every non-commissioned officer and private soldier of the said militia not under the controul of parents, masters or guardians, and being of sufficient ability therefor in the judgment of the Selectmen of the town in which he shall dwell, shall equip himself, and be constantly provided with a good fire arm, with a steel or iron ramrod, a spring to retain the same, a worm, priming wire and brush, a bayonet fitted to his fire arm, and a scabbard and belt for the same, a cartridge box that will hold fifteen cartridges at least, six flints, one pound of powder, forty leaden balls suitable for his fire arm, a haversack, blanket and canteen; and if any non-commissioned officer or private soldier shall neglect to keep himself so armed and equipped, he shall forfeit and pay a fine not exceeding Three pounds, in proportion to the value of the article or articles in which he shall be deficient, at the discretion of the Justice of the Peace before whom trial shall be had.

Fine for non-equipment.

Parents, masters and guardians to equip those

And be it further enacted by the authority aforesaid, That all parents, masters and guardians, shall furnish those of the said militia who shall be under their care

and command, with the arms and equipments aforementioned, under the like penalties for any neglect.

And be it further enacted by the authority aforesaid,

That whenever the Selectmen of any town shall judge any inhabitant thereof, belonging to the said militia, unable to arm and equip himself in manner as aforesaid, they shall, at the expence of the town, provide for and furnish such inhabitant with the aforesaid arms and equipments, which shall remain the property of the town at the expence of which they shall be provided; and if any soldier shall embezzle or destroy the arms and equipments, or any part thereof, with which he shall be so furnished, he shall upon conviction before some Justice of the Peace in the county where such offender shall live, be adjudged to replace the article or articles which shall be by him so embezzled or destroyed, and to pay the cost arising from the process against him; and in case he shall not within fourteen days after such adjudication against him perform the same, it shall be in the power of the Selectmen of the town to which he shall belong, to bind him out to service or labor, for such term of time as shall, in the discretion of the said Justice, be sufficient to procure a sum of money equal to the amount of the value of the article or articles embezzled or destroyed, and to pay the cost arising as aforesaid.

And be it further enacted by the authority aforesaid,

That every captain or commanding officer of a company, shall call the Train Band of his company together four days in a year, and oftener if he shall judge necessary, not exceeding six days in the whole, for the purpose of examining their arms and equipments, and instructing them in military exercises; and shall also once in a year, on a day when he shall muster the Train Band of his company, call together the Alarm List belonging to his company, within the limits of the town of which they shall be inhabitants, for the purpose of examining their arms and equipments

And be it further enacted by the authority aforesaid,

That when any captain or commanding officer of a company shall think fit to muster or call his company together, he shall issue his orders therefor to one or more of his non-commissioned officers, if he shall have any, otherwise to one or more of the private soldiers belonging to his company, directing him or them to notify and warn the said

under their care under the like penalties.

Persons unable to equip themselves to be provided by the town.

Soldiers embezzling or destroying their arms &c. furnished them, how punished upon conviction.

In case.

Officers to call together the train band four days in a year and the alarm-list once a year.

Manner of calling together militia companies.

company to appear at such time and place as shall be appointed, and with such arms and equipments as shall be mentioned in the said orders; and the non-commissioned officer or officers, or other person or persons who shall receive such orders, shall give notice of the time and place appointed for, and of the arms and equipments to be carried to the said muster, to each and every person he or they shall be ordered to warn, either verbally or by leaving a written notification thereof at the usual place of abode of the person thus to be notified and warned; and no notice shall be deemed legal for musters for the purpose of common and ordinary military exercises, unless it shall be given four days at least previous to the time appointed therefor; and every non-commissioned officer or other person who shall neglect to give the said notice and warning when ordered thereto, by the captain or commanding officer of the company to which he shall belong, shall, for such offence, forfeit and pay a sum not exceeding Forty shillings, nor less than Twenty shillings, at the discretion of the Justice of the Peace, before whom trial shall be had.

Penalties for neglect of duty and misbehaviour in non-commissioned officers and privates.

And be it further enacted by the authority aforesaid, That every non-commissioned officer and private soldier belonging to the Train Band, and every person belonging to the Alarm List, who, being duly notified of the time and place appointed for the muster of the company to which he shall belong, shall unnecessarily neglect to appear armed and equipped as the captain or commanding officer shall direct, shall pay a fine of ten shillings; and every non-commissioned officer and private soldier of the Train Band, and every person belonging to the Alarm List, who shall be disorderly or disobedient on a muster day, shall be confined during the time of said muster at the discretion of his officers, and shall pay a fine not exceeding Forty shillings, nor less than Twelve shillings, at the discretion of the Justice of the Peace to whom complaint shall be made. *Provided nevertheless,* That when any non-commissioned officer or private soldier belonging to the Train Band, or any other person belonging to the Alarm List, shall neglect to appear on a muster day when notified as aforesaid, and shall within eight days thereafter make application to the captain or commanding officer of the company to which he shall belong, and obtain the excuse of the said captain or commanding officer, or shall

Proviso.

pay him the aforesaid fine of ten shillings, and shall procure a certificate thereof, in every such case he shall be barred against any action or suit for such offence.

And be it further enacted by the authority aforesaid, That the testimony of any non-commissioned officer or other person, under oath, who shall have received orders agreeably to law for notifying and warning any company, or a part thereof, to appear at a time and place appointed for a muster, shall be sufficient to prove that due notice shall have been given to the party against whom complaint may be made, unless such testimony shall be invalidated by other sufficient evidence.

Testimony of non-commissioned officers and other persons under oath sufficient to prove due notification.

Unless.

And be it further enacted by the authority aforesaid, That when any person belonging to the Train Band or Alarm List, shall, by neglect of duty by not appearing on muster days, or by not being provided with arms and equipments as this law directs, or by disobedience of orders, or by disorderly behaviour, forfeit any sum of money set and affixed by this law to such offences, or either of them, under the sum of four pounds, the same shall be recovered in manner following, *that is to say,* The clerk of the company to which the offender shall belong, shall after the expiration of eight days, and within sixty days after the offence shall be committed, make complaint thereof, and of all matters of substance and material circumstances attending the same, to some Justice of the Peace in the county where such offender shall live, who shall make a record thereof, and shall issue a summons to the party complained of, to be served seven days at least before the time appointed for the trial, in the form following, *mutatis mutandis*.

Persons neglecting duty — forfeiture.

How recovered.

[SEAL.] ss.

To the Sheriff of the said County, or his Deputy, or any or either of the Constables of the Town of within the same County,

GREETING.

In the name of the Commonwealth of *Massachusetts*, you are hereby required to summon *C. D.* of in the county of to appear before me *E. F.* one of the Justices of the Peace for the county aforesaid, at in on the day of at of the clock in the noon; then and there to shew cause, if any he has, why a warrant of distress shall not issue against him for [here insert the complaint] Hereof fail

Form of a summons.

not, and make due return of this writ and of your doings therein, unto myself, at or before the said day of

. Dated at aforesaid, the day of in the year of our LORD,

E. F. Justice of the Peace.

Party appearing may plead the general issue &c. and if defaulted and shall neglect to satisfy the judgment then in this case.

And when the said party shall by himself, or his attorney, appear accordingly, he may plead the general issue and give any special matter in evidence; and if the said party shall make default, or if judgment shall be given against him, and he shall neglect for four days thereafter to satisfy the same, and legal costs, then the Justice of the Peace before whom the trial may be had, shall issue his warrant of distress, under his hand and seal, in the form following, *mutatis mutandis*.

[SEAL.]

ss.

To the Sheriff of the said County, or his Deputy, or any or either of the Constables of the Town of within the same County,

GREETING.

Form of a warrant of distress.

Whereas *C. D.* of upon the day of being a private soldier in the Train Band (as the case may be) of the company of foot commanded by in the regiment of militia in the said county of , commanded by , was duly notified to appear upon the day of , in the town of in the county aforesaid, with his arms and equipments, as the law of this Commonwealth directs; and the said *C. D.* in violation of the said law, did unnecessarily neglect to appear, (or did not appear armed and equipped, as the case may be) whereby he hath forfeited and ought to pay the sum of shillings, to the uses directed by law: And the said *C. D.* having been duly summoned to appear before me *E. F.* one of the Justices of the Peace for the county aforesaid, to shew cause, if any he had, why a warrant of distress should not be issued for the same sum, did not appear, (or appearing, did not shew sufficient cause why the same warrant should not be issued, as the case may be):

In the name of the Commonwealth of *Massachusetts*, you are therefore commanded forthwith, of the goods or chattels of the said *C. D.* within your precinct, to levy by distress and sale thereof the aforesaid sum of shillings, with for charges of suit, being in the

whole the sum of and to pay the same to clerk of the aforesaid company; and also of the goods and chattels of the said *C. D.* to levy for this writ, together with your own fees, and for want of such goods or chattels of the said *C. D.* to be by him shewn to you, or found within your precinct, you are commanded to take the body of the said *C. D.* and him commit to the common goal in in the county aforesaid; and the keeper thereof is hereby commanded to receive the said *C. D.* into the said goal, and him safely keep until he shall pay the sum aforesaid, together with legal fees and costs, or until he shall be otherwise discharged by order of law; and you are to make return of this warrant with your doings therein, unto myself, within twenty days next coming, for which this shall be your sufficient warrant. Hereof fail not. Given under my hand and seal, the day of in the year of our LORD, .

E. F. Justice of the Peace.

Provided always, That when any person shall appear before the Justice of the Peace upon notification as aforesaid, and shall claim an appeal to the Court of Common Pleas next to be holden in the same county, to which he shall be and hereby is entitled, the same shall be granted upon his recognizing with sureties to prosecute his appeal, and to pay whatever fine, costs and fees, shall be adjudged against him at the same Court, which recognizance shall be taken to the clerk of the company to which such appellant shall belong, and shall be acknowledged before and certified by the Justice of the Peace in the same manner as recognizances are in appeals from Justices of the Peace in other cases; and no appeal shall be allowed from the said Court of Common Pleas. Providso.

And be it further enacted by the authority aforesaid, That if judgment shall be rendered against such appellant in such Court of Common Pleas, the judgment shall be three times the sum of the fine set and affixed in this act, with additional costs. Judgment rendered against appellants to be treble the sum with costs.

And be it further enacted by the authority aforesaid, That all sums of money that shall be forfeited and recovered as aforesaid, shall be disposed of one moiety to the clerk, who shall recover the same, and the other moiety to the captain of the company to which the offender shall belong, in trust for the use of the said company. Fines — how disposed of.

And be it further enacted by the authority aforesaid,
 Fees — how and by whom taxed. That in all cases to be determined as aforesaid, the Justices of the Peace and the Courts of Common Pleas, before whom the same shall be, shall severally tax the same fees as in actions between party and party in other cases.

And be it further enacted by the authority aforesaid,
 Regiment to muster either in regiment or battalion once in every year. That every regiment of the Train Band aforesaid shall muster either in regiment or battalion once in every year, at least, on such day and at such place as the colonel or commanding officer shall appoint.

And be it further enacted by the authority aforesaid,
 On regimental musters, how companies are to form. That at a regimental muster the several companies composing the regiment shall form in regiment or battalion, according to the rank of the officers present commanding them, in order that the companies may in all cases be under the immediate command of their own officers.

And be it further enacted by the authority aforesaid,
 Return to be made by the Maj. Gen. That each Major General shall make a return of the division under his command to the Adjutant General, on or before the first day of *June*, annually, specifying the number of officers and soldiers, distinguishing the Train Band from the Alarm List, and the state of their arms and equipments; and the Adjutant General shall digest the whole into a general return, and present the same to the Commander in Chief.

And be it further enacted by the authority aforesaid,
 General return to be made by the Adj. Gen. • That the Adjutant General, Deputy Adjutant Generals and Brigade Majors, shall prefer their accounts for services performed in the execution of their duty, with proper vouchers and certificates, to the General Court for allowance and payment.

And be it further enacted by the authority aforesaid,
 Adj. Gen. &c. to prefer their accounts for services to the General Court. That every officer holding a commission in the said militia, who shall be accused of any unmilitary conduct, either in neglect of duty, disobedience of orders, or in any other manner, shall be liable to be tried by a general court martial, and if found guilty by such Court, to be thereby sentenced to be reprimanded by the President thereof, or to be removed from his office.

And be it further enacted by the authority aforesaid,
 Commissioned officers accused of unmilitary conduct to be tried by a general court martial. That no general court martial shall consist of a less number than thirteen commissioned officers, the President of which shall not be under the rank of a field officer.

How many officers court martials are to consist of.

And be it further enacted by the authority aforesaid,
That the Commander in Chief shall appoint courts martial for the trial of Major Generals; Major Generals shall appoint them for the trial of Brigadier Generals, within their respective divisions; and Brigadier Generals shall appoint them for the trial of field officers, and officers of rank inferior to that of field officers, within their respective brigades; and no officer who shall appoint a court martial shall himself be President thereof; nor shall any sentence of a court martial for the removal of any officer from his office be put in execution until it shall have been approved of by the Commander in Chief.

Court-martials,
by & for whom
appointed.

Sentence — to be
approved of by
the Commander
in Chief.

And be it further enacted by the authority aforesaid,
That the officer who shall appoint a court martial shall at the same time appoint a suitable person for a Judge Advocate; and all officers to be tried by a court martial shall have seasonable notice of the time and place appointed for trial, and a copy of the charges exhibited against him, and shall be put under arrest so far as to be suspended from the exercise of his office; and in case any officer, for the trial of whom a court martial shall be appointed, shall neglect to appear and make defence, he shall be deemed by the said Court guilty of the charge, and shall be sentenced accordingly.

Judge Advocate,
by whom ap-
pointed.

Delinquents to
be arrested.

In case.

And be it further enacted by the authority aforesaid,
That all persons shall be holden to appear and give evidence before any court martial (under the same penalties for neglect as are by law provided for witnesses in other cases) when thereto summoned by any Justice of the Peace, who is hereby authorized to summon such witnesses in the county to which he shall belong; and no fee shall be required by the Justice of the Peace for such service.

Evidence — how
summoned.

And be it further enacted by the authority aforesaid,
That all the members constituting a court martial shall, previously to their proceeding to the trial of any officer, and all the witnesses previously to their giving evidence, be sworn by the Judge Advocate; and the Judge Advocate shall be sworn by the President of the said court-martial.

Members con-
stituting court
martials, and
witnesses — by
whom sworn.

And to the intent that ample provision be made for the defence of the Commonwealth under every circumstance:

Be it further enacted by the authority aforesaid, That the Governor, with the advice of Council, be, and hereby is empowered to raise, by voluntary enlistment, nine

Artillery com-
panies, by
whom raised.

Number of men
companies are
to consist of.

To be form'd in-
to two regiments
properly
officer'd.

Subject to the
same regula-
tions as the
train-band.

Companies to be
provided with 2
field-pieces, &c.

Cavalry — by
whom raised.

How many each
squadron to
consist of.

To be form'd in-
to a regiment.

companies of Artillery in the first division of the said militia, six companies in the second division, three companies in the third division, and three companies in the fourth division of the militia aforesaid; each company to have one Captain, one Captain Lieutenant, one first Lieutenant, two second Lieutenants, four Serjeants, the first of whom shall be the clerk, four Bombardiers included in rank and file, one Drummer, one Fifer, and twenty-five Cannoniers; and to form the said companies into two regiments, each of which shall have a field commissioned and non-commissioned staff, consisting of one Colonel, one Lieutenant Colonel, one Major, one Adjutant, one Quarter Master, one Serjeant Major, one Quarter Master Serjeant, one Drum Major, and one Fife Major.

And be it further enacted by the authority aforesaid, That the non-commissioned officers and private soldiers belonging to the said corps of Artillery shall be armed and equipped in the same manner as the Train Band of the said militia are in this act directed to arm and equip themselves.

And be it further enacted by the authority aforesaid, That each of the said companies of artillery shall be provided and furnished, at the expence of the Commonwealth, with two good field pieces, with apparatus compleat, an ammunition cart, forty rounds of iron shot, twenty rounds of cannister shot, and sixty rounds of powder in flannel cartridges; which quantity of ammunition shall be increased whenever the Governor or commander in chief may judge the safety of the Commonwealth shall require it; and the captains of the said companies of Artillery shall give their receipts for the ammunition and other articles with which the companies under their command shall be so provided, and be accountable for the same.

And be it further enacted by the authority aforesaid, That the Governor, with the advice of Council, be, and hereby is impowered to raise, by voluntary inlistment, three squadrons of Cavalry in the first division, and two squadrons of Cavalry in the second division, and one in each of the other divisions of the militia aforesaid; each squadron to consist of two troops, and each troop to have one Captain, two Lieutenants, one Cornet, four Serjeants, the first of whom shall be the clerk, one Trumpeter and thirty-four Privates; and to form the same into a regiment which shall have a field commissioned and non-

commissioned staff, consisting of one Colonel, one Lieutenant Colonel, one Major, an Adjutant, a Quarter Master and a Trumpet Major.

And be it further enacted by the authority aforesaid, That every officer, non-commissioned officer and private, belonging to the said Cavalry, shall keep himself provided with a good horse not less than fourteen hands and an half high, a saddle, bridle, holsters, pistols, sword, boots and spurs, a carbine with a spring and sling, a cartridge box, with twelve rounds of cartridge and ball for his carbine and six for each pistol, nine flints, a cloak and canteen.

Officers and privates to be provided with good horses, &c.

And be it further enacted by the authority aforesaid, That the officers of the said corps of Artillery and Cavalry shall be elected, appointed and commissioned, in the same manner as officers of the Train Band, in the said militia are elected, appointed and commissioned.

Officers — how elected.

And be it further enacted by the authority aforesaid, That the officers, non-commissioned officers and privates, belonging to the said corps of Artillery and Cavalry, shall be subject to the same rules and regulations as are by this act provided for the Train Band in the militia aforesaid; and the several companies belonging to the said corps shall be subject to the immediate orders of the Major General commanding the division within which the same shall be raised.

Subject to the same rules, &c. as the train band in the militia.

And be it further enacted by the authority aforesaid, That the Colonels or commanding officers of the said Artillery and Cavalry shall make return in time and manner as this act directs for the militia at large.

And be it further enacted by the authority aforesaid, That Justices of the Courts of Common Pleas, Judges of Probate, Justices of the Peace, sheriffs, elders and deacons of churches, church wardens, masters of arts, persons who have by commission under any government or Congress, or by election in pursuance of any Congress of the United States, or either of them, held the office of a subaltern or officer of higher rank, persons while actually employed as masters of vessels of more than thirty tons burthen, constables and deputy sheriffs, and also such physicians, surgeons, stated school masters, ferrymen and millers, as the Selectmen of the towns to which they shall severally belong, shall, by a writing under their hands, signify the expediency of exempting, shall

Persons exempt from the train band.

be, and hereby are exempted from the Train Band aforesaid.

Persons exempt
from the train-
band & alarm-
list.

And be it further enacted by the authority aforesaid, That the Lieutenant Governor, members of the Council, Senate, and House of Representatives, members of Congress, the Secretary of the Commonwealth, Justices of Supreme Judicial Court, selectmen for the time being, ministers of the gospel, grammar school masters, the officers and students of Harvard College, the denomination of Christians called Quakers, negroes, Indians and mulattoes, shall be, and hereby are exempted from both the Train Band and Alarm List aforesaid.

Towns to be
provided with
gun-powder, &c.

And be it further enacted by the authority aforesaid, That each town within this Commonwealth shall be constantly provided with one barrel of gun powder, containing one hundred weight, three hundred weight of leaden balls of various sizes, and three hundred flints, for every sixty soldiers in the Train Band, and the same proportion for any greater or smaller number.

Towns neglect-
ing to provide —

Penalty.

How recovered.

And be it further enacted by the authority aforesaid, That every town which shall neglect to keep constantly provided with the stock of ammunition aforesaid, shall forfeit and pay, to the use of the Commonwealth, the sum of Five pounds, to be recovered by presentment in the Court of General Sessions of the Peace, in the county to which such town shall belong; and it shall be the duty of Grand Jurors to make enquiry and cause to be presented such town or towns as shall be guilty of such neglect.

Detachments
ordered from
the militia —

In case of
neglect.

Penalty.

Fines, how
applied.

And be it further enacted by the authority aforesaid, That whenever the Governor or Commander in Chief shall order a detachment from the militia aforesaid, and any person who shall be detached in obedience of such orders, being duly notified thereof and ordered to march to the place of rendezvous, shall neglect or refuse to obey such order, or shall not within twenty-four hours after he shall have been notified as aforesaid, pay a fine of ten pounds to the captain or commanding officer of the company to which he shall belong, or procure an able bodied man in his stead, such person shall be considered as a soldier in such detachment, and be dealt with accordingly; and in all cases where the said fine shall be paid, the same shall be applied to hiring men for any service which shall be required of the company under the command of the captain or officer who shall receive the same.

And be it further enacted by the authority aforesaid,
That the denomination of Christians called Quakers, Quakers exempt from duty.
although exempted by this act from personal military services, shall be subject nevertheless to pay their proportion of all expences for raising men for the public defence ; To pay their proportion of expences in raising men.
and the same shall be assessed upon them by the assessors of the towns to which they shall belong, according to the rules prescribed by law for making other assessments, and shall be collected in the same manner as other taxes are collected ; and the money which shall be so collected shall be paid into the public treasury for the use of the Commonwealth ; and the assessors of towns in which the said assessments are by this law required, shall within ten days after orders shall be received by the military officers for raising men, assess the same, and commit a list or lists thereof to some collector or collectors of the town, with sufficient warrant to collect the same ; and within twenty days after such assessment, shall also make a return to the Treasurer of the Commonwealth, specifying the sum or sums by them assessed, and the collector or collectors to whom the assessment shall be committed ; and assessors and collectors shall perform the said services under like penalties for neglect as the law provides in other cases.

By whom assessed.

And be it further enacted by the authority aforesaid,
That the Governor, with advice of Council, be, and hereby is empowered to appoint a suitable person to the office of Quarter Master General, who shall be holden to perform the duties incident to his office, and shall receive compensation therefor upon exhibiting his accounts, properly vouched and certified, to the General Court. Qua. M. Gen. by whom appointed.

And be it further enacted by the authority aforesaid,
That the Governor, with the advice of Council, be, and hereby is empowered to appoint a Deputy Commissary for each division of the militia aforesaid, who shall be sworn to a faithful discharge of the duties of his office ; and shall be accountable to, and obey the orders of the Commissary General of this Commonwealth, in all matters respecting his office. Dep. Com. Gen. by whom appointed.

And be it further enacted by the authority aforesaid,
That whenever the militia, or any part thereof, of any town within this Commonwealth, shall be ordered to march for the immediate defence of this or any of the United States of America, each officer and soldier shall provide and take with him three days provisions, unless Officers and soldiers to be provided with three days provisions in certain cases. Unless —

Selectmen to cause carriages to attend with provisions, &c.

otherwise ordered; and the selectmen of such town shall cause carriages to attend them with further necessary provisions and camp utensils, and shall continue to forward to the Commissary, or Deputy Commissary, sufficient supplies for the men marched from their respective towns, until notice shall be given to them by the Commissary or Deputy Commissary to desist.

Selectmen to lay their accounts before the General Court.

And the selectmen who shall so furnish supplies, shall lay their accounts with proper certificates of the provisions supplied by them, and of the expences incurred therefrom, before the General Court for allowance and payment.

March 10, 1785.

1784. — Chapter 56.

[January Session, ch. 23.]

Chap. 56 AN ACT FOR TAKING AWAY THE BENEFIT OF CLERGY IN ALL CASES WHATSOEVER, AND DIRECTING ADEQUATE PUNISHMENT FOR THE CRIMES WHERE THE SAME USED TO BE ALLOWED.

Preamble.

Whereas the plea of benefit of clergy, though it was originally founded in superstition and injustice, yet by long usage and the humanity of criminal law is so interwoven with it, as to become very essential in its present system; but forasmuch as the operation of it consists only in the mitigation of the punishment for those crimes where it is allowed, which in most cases operates very inadequately and disproportionately, and for which more adequate remedies may be provided:

Benefit of clergy not allowed after the publication of this act, except.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the publication of this law, the plea of benefit of clergy shall not be used or allowed in any cause whatsoever, unless in the prosecution for crimes committed before the passing this act, for which the said plea of benefit of clergy would have then been allowed.

Punishment for crimes where the same used to be allowed.

And be it further enacted by the authority aforesaid, That if any person shall be convicted of any crime wherein by law the plea of benefit of clergy was heretofore allowed, and for which, without such benefit of clergy, he must have been adjudged to suffer the pains of death, such person shall be set upon the gallows for the space of one hour, with a rope about his neck, and the other end thereof

cast over the gallows, pay a fine, not exceeding *five hundred pounds*, be whipped, not exceeding thirty-nine stripes, and be bound to the good behaviour, or suffer one or more of the above punishments, according to the aggravation of the offence; and so often as he shall be convicted of the same crime, shall suffer the punishments above-mentioned, or any one or more of them, unless some other punishment shall be, or may have been by the laws of this Commonwealth assigned for such crime, in which case the offender shall suffer as by such law is or shall be directed.

March 11, 1785.

1784. — Chapter 57.

[January Session, ch. 24.]

AN ACT FOR THE RELIEF OF, AND TO PREVENT DEBTORS
BEING OBLIGED TO PAY INTEREST ON DEBTS NOW DUE,
WHERE A LEGAL TENDER OF THE SAME HAS BEEN MADE
TO THE CREDITOR, BEFORE THE FIRST DAY OF JANUARY,
ONE THOUSAND SEVEN HUNDRED AND SEVENTY-SEVEN,
IN THE THEN CIRCULATING CURRENCY. Chap. 57

Whereas by an act of the General Court, passed the Preamble.
twenty-sixth day of September, One thousand seven hundred and seventy-six, entitled, “ An Act to prevent forging and altering bills of public credit, and for preventing the depreciation thereof, and for making the bills of credit of the United Colonies, and the bills of this government a tender, in all payments; ” it was among other clauses enacted, that the bills of credit of the United Colonies, established by the American Congress, and the bills of this government, shall be received in all payments within this colony; and a tender of the same may be pleaded in bar to any action brought for the recovery of money or species of money, due by deed or simple contract, or in any way or manner whatever :

And whereas by an act of the General Court, passed the sixth day of July, One thousand seven hundred and eighty-one, entitled, “ An act providing for the payment of the interest on the new bills of credit, and fixing the rate at which they shall be received into the treasury, for suspending the making up judgment in civil causes for a limited time, and repealing all the laws heretofore passed for making the said bills a tender; ” the said act of September the twenty-sixth, One thousand seven hundred and seventy-six,

was repealed to all intents and purposes, and no provision is made in the said act of One thousand seven hundred and eighty-one, for the relief of persons who gave full credit to the paper currency then circulating, and received it in all payments without any discount, and having tendered the same to their creditors before the first day of January, One thousand seven hundred and seventy-seven, it has been refused by the said creditor or creditors, and they are now liable to pay the interest on the said debts notwithstanding the said tender, whereby many honest debtors will be greatly injured, having sunk nearly the whole of the principal by their creditors refusing to receive the money at that time, and are now liable to pay both principal and interest in specie, which is unjust, and may probably be the ruin of many valuable members of the community, if some provision is not made for their relief:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That where an action or actions that hath or shall be brought by any person or persons in any Court of law within this Commonwealth, proper to try the same, for the recovery of any debt contracted before the first day of January, One thousand seven hundred and seventy-seven, and it shall be made to appear to the said Court, that a legal tender has been made of the same, before the said first day of January, One thousand seven hundred and seventy-seven, to the creditor, that then and in all such cases the Court before whom the said cause shall be tried, be, and they are hereby empowered and directed to make up judgment for the principal, and interest only to the time of the said tender being made, and not allow any interest on the said debt after the date of the said tender; provided it was made before the first day of January, One thousand seven hundred and seventy-seven; and the original defendant or defendants in any action now depending in the Supreme Judicial Court, or either of the Courts of Common Pleas in this Commonwealth, when a tender has been made as aforesaid, may plead the same in such manner as if the said action had been commenced after the passing this act, and no continuance or appeal had taken place.

And be it further enacted by the authority aforesaid, That in case a tender was made at any time since the first day of January, One thousand seven hundred and seventy-

Interest not
allowed after
a tender has
been made.

Proviso.

Tenders made
after Jan. 1777,
directions in
this case.

seven, or at any time, to executors, administrators, agents, attornies, or to any other persons acting in trust, the same proceedings shall be had as in such case are directed by the law of this Commonwealth, passed in the year of our Lord, One thousand seven hundred and eighty, for establishing a rule of depreciation.

March 11, 1785.

1784.—Chapter 58.

[January Session, ch. 25.]

AN ACT AGAINST ARSON, AND OTHER MALICIOUS BURNING.

Chap. 58

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person, between sun setting and sun rising, wilfully and maliciously shall burn the dwelling house of another, or any out building adjoining thereto, or any other building by means of which a dwelling house shall be burnt, and be thereof convicted, such offender shall be adjudged guilty of felony, and shall suffer the pains of death.

Burning dwelling-houses by night, deemed felony.

And be it further enacted by the authority aforesaid, That if any person shall wilfully and maliciously, between sun rising and sun setting, burn the dwelling house of another, or any out building adjoining thereto, or any other building by means of which a dwelling house shall be burnt; or that shall wilfully and maliciously, by night or by day, burn any barn, warehouse, shop, mill, malt house, out house, any public building, or other building whatsoever, or any ship or other vessel laying within the body of the county, and be thereof convicted before the Justices of the Supreme Judicial Court, such offender shall be sentenced to hard labour for term of life or years, be set in the pillory at one or more times or places, not exceeding three, be whipped at one or more times or places, not exceeding four times, be imprisoned, bound to the good behaviour, or fined, or to any or all of these punishments, according to the nature and aggravation of the offence.

Punishment where the same is done between sun-rising and sun-setting.

And be it further enacted by the authority aforesaid, That if any person shall wilfully and maliciously burn any stacks of corn, hay, grain, straw, corn stalks, flax, fences, piles of wood, boards or other lumber, and be thereof convicted as aforesaid, such offender shall be sentenced to be

Punishment for wilfully burning stacks of hay, corn, &c.

whipped, fined, stand in the pillory, to be confined to hard labour, and be bound to the good behaviour, or to all or any of them, according to the nature and aggravation of the offence.

And be it further enacted by the authority aforesaid,
Or for communicating fire to soil, grass, &c. That if any person shall wilfully and maliciously make a fire with design to communicate the same to the soil, grass, trees, poles or under brush of any other, or shall wilfully and maliciously suffer any fire so to communicate, as that by means thereof damage to the amount of *Ten pounds* shall be done to the owner or owners of the soil on which such damage is done, and be thereof convicted as aforesaid, he shall be sentenced to be fined, imprisoned, confined to hard labour, or bound to the good behaviour, or to all or either of the said punishments, according to the nature and aggravation of the offence.

March 11, 1785.

1784. — Chapter 59.

[January Session, ch. 26.]

Chap. 59 AN ACT IN ADDITION TO AN ACT PRESCRIBING FORMS OF WRITS IN CIVIL CAUSES, AND DIRECTING THE MODE OF PROCEEDING THEREIN.

Preamble.

Whereas in the form of executions in civil causes, prescribed in the said act, no provision is made for ascertaining the times at which the said executions are to be returned:

Executions,
how returnable.

Therefore, be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all executions issued upon any judgment in civil causes, shall be made returnable at such times as are provided by the several laws of this Commonwealth, any thing in the said form to the contrary notwithstanding.

Those issued after 1st May next,
how expressed.

And be it enacted by the authority aforesaid, That in all cases where a writ of execution shall issue after the first day of *May* next, there shall be expressed therein the time and place when and where the same shall be returnable.

Proviso.

Provided nevertheless, That all executions already issued since the passing of the said act, or which may be issued within thirty days after the first day of *April* next, agreeable to the said form, shall be good and valid in the law, to all intents and purposes.

March 14, 1785.

1784. — Chapter 60.

[January Session, ch. 27.]

AN ACT FOR EMPOWERING AND COMMISSIONING AGENTS, IN *Chap. 60*
 BEHALF OF THE COMMONWEALTH OF MASSACHUSETTS, TO
 CONDUCT AND PROSECUTE THE CLAIMS OF THE SAID COM-
 MONWEALTH TO CERTAIN LANDS THEREIN MENTIONED.

Whereas the claims of the Commonwealth of Massachu- Preamble.
setts to certain lands described in the petition of the legis-
lature of the said Commonwealth to Congress, dated the
twenty-seventh day of May, One thousand seven hundred
and eighty-four, are controverted and disputed by the State
of New York, for the hearing and determination of which
controversy and dispute, a Court hath been mutually
agreed to, and rightfully constituted and appointed, which
Court is to be holden on the first Tuesday of June next,
at which time the appearance of agents in behalf of the
Commonwealth aforesaid, will be absolutely necessary:
And whereas John Lowell, James Sullivan, and Theophi-
lus Parsons, Esq's. have been duly appointed by this
Court, agents for prosecuting the claims aforesaid:

Be it therefore enacted by the Senate and House of
Representatives in General Court assembled, and by the
authority of the same, That the said John Lowell, James
Sullivan, and Theophilus Parsons, or either of them, be,
and they hereby are invested with full power and author-
ity, for and in behalf of the said Commonwealth of Massa-
chusetts, to appear at the aforesaid Court, whensoever and
wheresoever the same shall be holden; and at the same
Court, to conduct and prosecute the claims of this Com-
monwealth to the lands aforesaid, to final judgment and
determination in such legal and regular methods as they
may find most beneficial to the rights of this Common-
wealth: And the agents aforesaid, or either of them, are
hereby further empowered (if they shall judge it will be
for the interest of this Commonwealth) to employ Doctor
Samuel William Johnson, of Connecticut, (or if by reason
of his sickness or other unavoidable accident he shall be
unable to attend, in that case they may appoint another
person learned in the law, if they shall think fit) as coun-
sel with them in the business aforesaid; and further, to
suffer and do any other matter and thing necessary to the
obtaining a just and legal determination and settlement
of the dispute and controversy aforesaid.

Agents em-
 powered to
 conduct & pros-
 ecute claims.

Impowered to
 employ counsel.

Commissions to
be delivered to
the agents.

And be it further enacted by the authority aforesaid,
That commissions in due form of law shall pass the seal
of the said Commonwealth, manifesting and declaring the
power and authority aforesaid, and be delivered to the
several agents aforesaid, previous to their appearance at
the said Court.

March 14, 1785.

1784. — Chapter 61.

[January Session, ch. 28.]

Chap. 61 AN ACT TO AUTHORIZE THE TREASURER TO ISSUE CERTIFICATES IN CERTAIN CASES.

Preamble.

Whereas the payment of the army notes issued pursuant to an act passed the fifth day of July, Anno Domini, One thousand seven hundred and eighty-one, will be inconvenient, if not impracticable, in the manner provided in the tax act of the ninth of July last: And whereas issuing certificates in lieu of the said notes, may tend to expedite the payment of the said tax by a reciprocal exchange of property between individuals, in a manner consistent with justice:

Treasurer directed to issue certificates.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled; and by the authority of the same, That the Treasurer be, and he hereby is directed, to issue to such person or persons as shall apply for the same, certificates of such denominations as he shall judge will best answer the end by this act proposed.

Proviso.

Provided nevertheless, That no certificate shall be issued as aforesaid for a less sum than *Three pounds*, in discharge of the army notes (so called) which are payable in the years One thousand seven hundred and eighty-four, and One thousand seven hundred and eighty-five, the payment of which is provided for in the said tax act, in manner and form following, *viz.*

TREASURER'S OFFICE, *Boston,*

178 No.

Form of the certificate.

Pursuant to a law of this Commonwealth I do hereby certify, that there is due to or bearer the sum of
and this certificate shall be received in payment
of the State Tax granted in *July*, One thousand seven hundred and eighty-four, equal to the same sum in silver and
gold.

T. I. Treasurer.

And be it enacted by the authority aforesaid, That the Treasurer be, and he is hereby directed, to procure a sufficient number of copies of the form aforesaid, printed in books, and to enter the name of the person in whose favor the certificate is filled up, with the date, number and amount of the same, in the margin of each certificate, which margin shall be kept in the Treasurer's office.

Directed to
procure copies
printed, &c.

And it is further enacted by the authority aforesaid, That the certificates issued by virtue of this act, shall be received in payment of the State Tax granted in *July*, One thousand seven hundred and eighty-four, equal to the same sum in silver or gold; and in payment for land belonging to this Commonwealth, in the same manner as the notes for which the said certificates shall be given might have been received.

Receivable for
taxes, &c.

And be it further enacted by the authority aforesaid, That if any person shall counterfeit, forge, or fraudulently alter any of the certificates aforesaid, he shall be liable and subject to like pains and penalties as are provided in case of counterfeiting, forging, or altering any of the government securities or notes heretofore issued by the Treasurer of this Commonwealth.

Penalty for
forgery.

March 14, 1785.

1784. — Chapter 62.

[January Session, ch. 29.]

AN ACT FOR OPENING SLUICE WAYS IN THE MILL DAM OR DAMS WHICH HAVE OR MAY BE ERECTED ON PRESUMPS-
SCUT RIVER, IN THE COUNTY OF CUMBERLAND, AND UPON
ANY STREAM OR STREAMS WHICH FALL INTO THE SAME
RIVER.

Chap. 62

*Whereas it appears to this Court, that the people who live in the neighbourhood of Presumps-
cut River, in the county of Cumberland, have heretofore, and still may derive extensive benefits from the fishery on the said river, and streams which fall into the same, unless prevented by the mill dams which have or may be erected across the said river and streams, the increase or even continuance of which, unregulated, for any considerable length of time, must inevitably destroy the annual course of the fish up the said river:* Therefore,

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Court of General Sessions of the Peace for the said county of *Cumberland*, be, and they are,

Court of Ses-
sions empow-
ered to appoint

a committee
annually.

Their duty.

To be sworn.

Owners of mills
neglecting to
open sluice-
ways.

Forfeiture.

How recovered.

Forfeitures,
how applied.

Committee, by
whom compen-
sated.

hereby authorized and directed, annually, to appoint a committee consisting of three indifferent and discreet persons, within the same county, whose duty it shall be to take effectual care that sufficient sluice ways be annually opened in all mill dams erected, or that may be erected across the said river or streams, in order that the fish may not be obstructed in their passage up the same; and that the said sluice ways be annually kept open during the season in which salmon, shad and alewives usually pass up the said river; which committee, so appointed, shall be sworn to the faithful discharge of the duties assigned them by this act, before they proceed to the execution of the same duties.

And be it further enacted by the authority aforesaid, That where the owner or owners of any such mill or mills shall neglect or refuse to open or continue open any such sluice way or ways in their mill dams respectively, in every such case the said committee, or any two of them, are hereby authorized and empowered to cause the same to be done as speedily as may be; and the owner or owners so neglecting or refusing, upon notice given them, or any of them, by the said committee, or any two of them, for that purpose, shall forfeit and pay a sum equal to the reasonable expence of opening and continuing open any such sluice way or ways, with the addition of fifty per cent. thereto; which forfeiture shall be recovered by the said committee by action of the case, to be by them instituted and pursued to final judgment and execution in their capacity aforesaid.

And it is further enacted by the authority aforesaid, That so much of the monies recovered from time to time as will be sufficient to defray the necessary expences of opening, and continuing open as aforesaid, the same sluice ways, shall by the said committee be applied to that purpose, and the overplus accruing by such forfeitures the said committee shall be accountable for to the several incorporated towns hereinafter mentioned.

And it is further enacted by the authority aforesaid, That the said committee shall have such reasonable compensation made them from time to time, for their expences and services arising and performed pursuant to this act, by the several towns now incorporated, or that may be incorporated, in equal proportion as do or shall stand in the last preceding State Tax Act, and which towns adjoin

the same river, as the said Court may think proper to allow; and that if any of the said incorporated towns shall neglect or refuse to pay their proportion of the sums that may be due to the said committee, from time to time, for their expences and services aforesaid, in every such case the same committee be, and they are, hereby authorized and empowered, if they see fit, to recover by legal process the whole sum that may be due to them from any one of the said towns which shall so neglect or refuse.

And it is further enacted by the authority aforesaid, That when there shall be more than one mill supplied with water by any one dam erected, or that may be erected as aforesaid, in every such case, the expence of opening and continuing open sluice ways in such dam, shall be borne by the owner or owners of such mills respectively, in proportion to the interest which they may respectively have therein.

When more than one mill is supplied by any one dam, expence how borne.

And it is further enacted by the authority aforesaid, That *Enoch Freeman* and *Daniel Davis*, Esq's. Justices of the Peace for the said county, *quorum unus*, be, and they are, hereby authorized and empowered to appoint such committee as is hereinbefore mentioned, who shall continue in office until the next Court of General Sessions of the Peace for the same county; and during that time the said committee shall perform the duties, be vested with the powers, and entitled to the compensation herein before granted to such committees by this act.

Justices of the Peace authorized to appoint the committee, to continue until the next Court of Sessions.

March 14, 1785.

1784. — Chapter 63.

[January Session, ch. 32.]

AN ACT PROVIDING A PLACE OF CONFINEMENT FOR THIEVES AND OTHER CONVICTS TO HARD LABOUR.

Chap. 63

Whereas it has become necessary to the safety of the industrious inhabitants of the Commonwealth, to provide some place, other than common goals, for the reception and confinement to hard labour of persons convicted of larcenies, and other infamous crimes:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the island within the harbour of *Boston*, commonly called *Castle Island*, shall be a place for the reception and secure confinement of all such per-

Place of confinement provided for convicts.

How disciplined.	<p>sons as shall be sentenced to confinement and hard labour for the term of their natural lives, or for any shorter space of time, pursuant to any laws of this Commonwealth; and that when any person shall be sentenced to confinement and hard labor as aforesaid, by any Court of Justice within this Commonwealth, for any space of time, such person shall be sent to the said island, and be securely kept, and be under the discipline and command of the officers of the garrison there, in the same manner as if such convict was under voluntary enlistment to serve in the same garrison for the same space of time.</p>
Persons sentenced to confinement, how conveyed.	<p><i>And be it enacted</i>, That whenever any person shall be sentenced to confinement as aforesaid, a warrant shall be made under the seal of the Court before whom the conviction shall be, signed by the clerk thereof, and directed to some proper officer, to convey the said convicted person to the said island; and in all such cases, the expence thereof shall be borne by the Commonwealth, and paid out of the public treasury; and the Governor, with the advice and consent of Council, is hereby authorized and empowered to make his warrant therefor.</p>
Expence, how borne.	<p><i>And be it further enacted</i>, That the military commander and other officers of the same garrison shall receive all such convicts as shall be sent to them as aforesaid, and it shall be their duty to keep them securely, according to their best discretion.</p>
Officers of the garrison, their duty.	<p><i>And be it further enacted</i>, That if any of those convicts shall escape or attempt to escape from the said island, or shall be guilty of any mutiny or disobedience of orders, the person so offending shall be liable to trial by court martial, and besides suffering confinement as aforesaid double the time lost by escape, shall be liable to the same punishment as is or shall be provided for the government of the troops stationed there.</p>
Convicts escaping or attempting to escape, &c. how punished.	<p><i>And be it further enacted</i>, That those convicts shall not be allowed to watch, ward or perform any garrison or military duty, save only fatigue work; shall not be allowed any spirituous liquors, save only in case of sickness; shall be allowed only moderate and ordinary rations; and in case of neglecting or refusing to perform such reasonable stint of hard labor as shall be assigned to them, they shall be abridged of those rations until they have performed the same; and otherwise further corrected, according to the discretion of the three first com-</p>
Their allowance.	
In case of neglect in performing stints, how corrected.	

mission officers present of the said garrison ; *Provided as aforesaid*, the punishment for the said offence doth in no instance amount to the deprivation of life or member.

And be it further enacted, That the said commander and other officers of the said garrison, shall, at the expence of government, procure some suitable person, whom they may displace, and appoint another in his room as often as they think proper, to be a constant overseer of those convicts ; and it shall be the duty of such overseer, during the time such convicts are sentenced to be confined there, to keep them to such hard labour and service as shall be ordered by the commander of the said garrison, for repairing and strengthening the fortifications there, picking oakum, making nails, or to any hard labour that the General Court or the Governor and Council may hereafter order, for defraying the charge and expence of keeping and maintaining them in confinement as aforesaid.

Commander and other officers to appoint an overseer.

His duty.

And be it further enacted, That the Commissary General shall from time to time supply the said overseer with materials, tools and implements necessary for employing those convicts at their labor ; and the said overseer shall keep a distinct and fair account of the same, with a fair account of all their earnings ; and shall from time to time deliver to the said Commissary the produce of those materials, and once every year at least, or oftener if required, render a full and perfect account of all the materials, tools and implements supplied, and the produce thereof, to the Commissary General, who shall lay the same before the General Court for their allowance and approbation.

Commissary General to supply the overseer with tools, &c.

And in order that the number and state of the convicts confined as aforesaid, may from time to time be fully known :

Be it further enacted, That the commanding officer at the Castle shall keep a true and regular kalendar of the convicts sentenced and committed to hard labor on the said island as aforesaid, the time of their commitment, by what Court committed, for what term of time, and at what time they are liberated or have escaped ; and shall at the opening of the Supreme Judicial Court, for the county of *Suffolk*, from time to time, make a true return in writing to the Justices of the same Court, of all the commitments, terms and liberations as above described, that have taken place since the last return, and of the con-

Commanding officer to keep a true calendar of the convicts.

victs then in his custody, on penalty of forfeiture of such sum as shall be set upon him by the said Court, not exceeding the sum of *Thirty pounds*.

Officers or overseer conniving at or permitting escapes.

And be it further enacted, That if the commanding officer or other officer of that garrison, or overseer by them appointed, shall connive at, negligently or voluntarily suffer or permit any escape of any of those convicts from their confinement, during the term they are sentenced to hard labour, and be thereof convicted at the Supreme Judicial Court, he shall be adjudged incapable of sustaining any office under this government, and be fined not exceeding *One hundred pounds*, and be imprisoned not exceeding twelve months, all or any of those punishments, according to the nature and aggravation of his offence.

Penalty.

Non-commissioned officers or privates conniving at escapes.

And be it further enacted, That if any non-commissioned officer or private soldier shall connive at, negligently or voluntarily suffer or permit any escape of any of those convicts from their confinement, during the term they are sentenced to hard labor, he shall suffer such punishment as is provided in case of desertion, according to the discretion of the court martial before whom he shall be tried.

Punishment.

Issuing commissary to allow one ration per day.

And be it further enacted, That the issuing commissary at the said garrison shall deliver over to the said overseer one ration a day for each of those convicts. *And further*, that any person who shall take up any of those convicts who shall escape before their term is expired, from that garrison, and return him or them to the commanding officer thereof, shall receive reasonable pay for all his time and expences, and also a bounty of *forty shillings*, by warrant from the Governor, with advice of Council, on the Treasurer of this Commonwealth.

Persons taking up convicts who escape.

Bounty.

And to the end such convicts may be fully known, and to prevent any person from purchasing their cloathing:

Convicts, how cloathed.

Be it further enacted, That each of those convicts who shall be sentenced to such confinement for twelve months, or more, before he is carried on to the said island, shall receive of the Commissary General, a coat, jacket and breeches, as a badge of infamy, in lieu of his old ones, and as often thereafter as it shall be adjudged necessary by the commander of the garrison, each of which shall be made half of cloth of one color, and the other half of cloth of a distinct different color; and the said convict shall not

be allowed to wear any other coat, jacket or breeches, during the term of his confinement there ; and at the expiration of the said term, where such confinement is for twelve months, or any term of years, he shall leave the cloathing received as aforesaid, with the Commissary General, who shall return to him his former cloathing again.

And be it further enacted, That if any convict shall at any time exchange the cloathing received as aforesaid, or shall destroy or dispose of the same, he shall be liable to such corporal punishment as the said commander shall order, not extending to life or member, and if any person shall buy or receive of any such convict his said cloathing, or any part thereof, and be thereof convicted in the Supreme Judicial Court, or Court of General Sessions of the Peace, such offender shall be sentenced to pay a fine of *ten pounds*, and if he or she shall be unable to pay the same, such person shall be sentenced to hard labour on the same island, for a space of time not exceeding six months, and shall be liable to all the punishments and discipline as the person was from whom he shall receive the same.

Punishment for exchanging, destroying or disposing of cloathing.

And be it further enacted, That if any person shall assist any such convict to escape from the said island, or shall harbour, conceal or receive any such convict, or yield him any comfort or assistance, knowing him to be such, the person so offending being thereof duly convicted in either of the Courts aforesaid, shall, at the discretion of the Court before whom the conviction may be, pay a fine not exceeding the sum of *Fifty pounds*; and if he or she shall be unable to pay the said fine, such person shall be sentenced to serve on the said island in manner aforesaid, and under the regulations and discipline of the garrison, as before mentioned.

Persons convicted of assisting convicts to escape.

Punishment.

Provided always, and be it enacted by the authority aforesaid, That no female shall be sentenced to confinement in the garrison aforesaid, until some meet and suitable place shall be provided, to keep them separate from the male convicts to be there confined, until which time all females convicted of any of the offences for which confinement shall be directed as the punishment, in whole or in part, the Court before whom the conviction may be, shall substitute such other corporal or infamous punishment as shall in their opinion appear just and reasonable, according to the nature and aggravation of the offences :

No female to be sentenced to confinement in the garrison until.

Provided, that no punishments shall be inflicted but such as have been known and accustomed at common law.

March 14, 1785.

1784. — Chapter 64.

[January Session, ch. 30.]

Chap. 64 AN ACT EMPOWERING THE SELECTMEN OF SUCH TOWNS IN THIS COMMONWEALTH AS ARE ALREADY, OR MAY HERE-AFTER BE PROVIDED WITH A FIRE ENGINE OR ENGINES, TO NOMINATE AND APPOINT ENGINE MEN.

Preamble.

Whereas it is of great importance to the preservation of life and property, that provision be made to extinguish fires; and the method of selecting suitable persons for the purpose of keeping in repair and working fire engines in such towns as are provided therewith, hath been productive of good consequences:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen of such towns in this Commonwealth as are provided with a fire engine or engines, or who may in future be provided with a fire engine or engines, be, and they are, hereby empowered, if they shall judge it expedient, to nominate and appoint a number of suitable persons for engine men as soon as may be, after the passing of this act, and ever after in the month of January, annually, not exceeding eighteen to any one engine, which engine men who may be nominated and appointed in manner aforesaid, be, and they are, hereby authorized and empowered to meet together sometime in the month of May, annually, for the purpose of chusing a master or director of the said engine, and establishing such rules and regulations for the well ordering of the said company, as the Selectmen of such town shall judge necessary and approve; provided, the same be not repugnant to the constitution and laws of this Commonwealth.

Selectmen empowered to nominate and appoint engine men.

Engine men empowered to meet annually, to chuse a director, &c.

Held and obliged to meet once a month, to examine the state of the engines, &c.

And be it enacted by the authority aforesaid, That the respective companies of engine men, who may be nominated and appointed in pursuance of this act, shall be held and obliged to meet together once at least in each month, and oftener if necessary, for the purpose of examining the state of the engine to which they belong, and the appendages belonging to the same, and seeing that the said

engine is in good repair, and ready to proceed on any emergency to the relief of any part of the community who may be invaded by the calamity of fire; and the said engine men appointed as aforesaid, shall be held and obliged to go forward, either by night or by day, and use their best endeavours to extinguish any fire that may happen in the same town, or the vicinity thereof, (under the direction of the fire wards in the same town) as shall come to their knowledge, without delay.

Be it enacted by the authority aforesaid, That the persons who may be nominated and appointed engine men, in pursuance of this act, shall be, and they are, hereby excused from all military duty.

Excused from military duty.

Be it enacted by the authority aforesaid, That if any person who being nominated and appointed in manner hereinbefore directed, shall be negligent and remiss in the duties required of him by this act, except sickness or any other disability shall prevent him therefrom, it shall be the duty of the Selectmen in the same town, upon sufficient evidence thereof, to strike his name from such list, and proceed to appoint another person as an engine man in his room, in the same manner as they are hereinbefore empowered to do in the month of *January*, annually.

Persons negligent and remiss in duties, to be displaced.

March 15, 1785.

1784. — Chapter 65.

[January Session, ch. 31.]

AN ACT AGAINST ACCESSARIES TO CRIMES AND FELONIOUS ASSAULTERS.

Chap. 65

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person shall aid, assist, abet, counsel, hire, command or procure any person to commit the crime of murder or rape, sodomy, arson, robbery or burglary, he is, and shall be considered as an accessory before the fact to the principal offender or offenders, and being thereof convicted, shall suffer the like punishment as is by law assigned for the crime to the commission of which he shall be so accessory.

Punishment for aiding, & assisting persons in committing murder, &c.

And be it further enacted by the authority aforesaid, That whosoever shall knowingly receive, harbour, conceal, maintain, assist, or relieve any person or persons who have committed any of the crimes beforenamed, he

Punishment for harbouring or concealing such criminals.

is, and shall be considered as an accessory after the fact, and being convicted thereof, he shall be punished by setting on the gallows the space of one hour, with a rope about his neck, and the other end thereof thrown over the gallows, by fine, imprisonment, by setting in the pillory, by confinement to hard labour, and binding to the good behaviour, or to one or more of these punishments, according to the nature and aggravation of the offence.

Punishment for
felonious as-
saulters.

And be it further enacted by the authority aforesaid, That whosoever shall make an assault with an intent to commit murder, rape or sodomy, and be thereof convicted, shall be sentenced to be set on the gallows with a rope about his or her neck, and the other end thereof cast over the gallows, to be set in the pillory at one or more times or places, not exceeding three, to be whipped not exceeding thirty-nine stripes, be fined, suffer imprisonment, and binding to the good behaviour, or to any one or more of these punishments, according to the nature and aggravation of the offence.

March 15, 1785.

1784. — Chapter 66.

[January Session, ch. 33.]

Chap. 66 AN ACT FOR THE PUNISHING AND PREVENTING OF LARCENIES.

Punishment for
theft.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That whoever shall feloniously steal any money, goods or chattels, any note of the Treasurer of this Commonwealth for the payment of money, any note or certificate of any bank or any public office, securing the payment of money to any person, or certifying that the same is due, any order entitling any person to money, any bill of exchange, bond, obligation, warrant, bill, or promissory note of hand for the payment of money or any valuable property, any record of process belonging to any Court of Justice, or to any public office, any book of account, receipts of money, or other article paid or delivered, adjustments and documents of any kind relating to the payment of money or other article, any indenture of apprenticeship, deed, covenant, indenture or assurance respecting any property, real or personal, and be thereof convicted, every such offender shall be punished by fine or whipping, in the discretion of the Court before whom

the same shall be tried, not exceeding the sum of *One hundred pounds*, or thirty-nine stripes.

And be it further enacted by the authority aforesaid, That if any person shall be convicted of feloniously stealing any of the beforementioned articles from the person of another, whether privily and without his knowledge, or openly and avowedly before his face, he shall be deemed guilty of an higher species of larceny, and shall be punished by whipping, as aforesaid, or by fine, not exceeding *One hundred and fifty pounds*, at the discretion of the Court before whom the conviction shall be.

Persons convicted of stealing from the person of another, how punished.

And be it further enacted by the authority aforesaid, That if any person shall be convicted of the crime of theft, beside the punishment of fine or whipping, as aforesaid, he shall be sentenced to forfeit treble the value of the goods or other articles stolen, to the owner thereof; any of the articles stolen being returned to be accounted part, according to their value. And if any such offender be unable to make restitution or pay such treble damages, the Justices of the Court before whom such conviction is, may further sentence him to make satisfaction to the person from whom such articles were stolen, by service, and he shall be, and hereby is, empowered to dispose of the said convict in service, to any person whomsoever, for such term of time as shall be assigned by the same Justices; or they may sentence the said convict to hard labour for a term of time not exceeding three years, to take place if the owner of the articles stolen doth not sell such convict in thirty days after a sentence therefor.

Persons convicted of theft, to forfeit treble damages.

If unable, how sentenced.

And be it further enacted, That every Justice of the Peace in the county where such offence is committed, is hereby authorised to hear and determine all offences against this law, provided that the treble value of the property stolen exceed not the sum of *Forty shillings*, and may sentence such offender to pay a fine not exceeding the sum of *Forty shillings*, or to be imprisoned for a term not exceeding twenty days, and to make satisfaction as above is directed.

Justices of the Peace authorised to determine offences.

Proviso.

And be it further enacted, That when any person shall be apprehended upon a charge of the said crime of theft, and be admitted to bail, he shall not only recognize to the Commonwealth for his appearance at the Court in such recognizance mentioned, to answer to the said charge, but he shall also enter into another recognizance, with suffi-

Persons apprehended upon a charge of theft, and admitted to bail, — what recognizance required.

If defaulted, the recognizance to be declared forfeited.

cient sureties, to the party injured, for treble the value of the articles which he shall be charged with stealing; and if the accused person shall make default and not appear to take his trial according to his recognizance, in such case the said recognizance shall be declared forfeited, by the Court where the said accused person ought to have appeared, and the party injured shall recover treble damages against the sureties for so much as can be made to appear to be stolen, as if the offender had put himself on his trial and had been convicted; and if the accused person be committed for want of bail and upon trial be convicted and appeal to the Court of General Sessions of the Peace, or to the Supreme Judicial Court, he shall recognize to the party injured to respond the treble damages as aforesaid, as well as to the Commonwealth to prosecute such appeal, before he is liberated.

Persons convicted of a second theft to the value of 40 shillings.

And be it further enacted by the authority aforesaid, That if any person who now is, or who hereafter shall be, convicted, either before a Justice of the Peace or in any Court of General Sessions of the Peace, or Supreme Judicial Court within this Commonwealth, of the crime of theft, shall, thus standing convicted on record, steal any money, goods or chattels, or other articles as before-mentioned, to the value of *Forty shillings*, and be thereof convicted before the Supreme Judicial Court, holden within any of the counties of this Commonwealth, he shall for such offence be set upon the gallows for the space of one hour, with a rope about his neck and one end thereof cast over the gallows, and be severely whipt, not exceeding thirty-nine stripes, and be further sentenced to pay treble the value of the articles stolen, to the party injured; and the same Justices may further sentence him to make satisfaction to the person injured as aforesaid, by service as aforesaid, if he be unable to pay the same, or may sentence such convict to hard labour for a term not exceeding six years, in like manner as is hereinbefore provided.

Punishment.

When the second theft amounts to £3.

And be it further enacted by the authority aforesaid, That if any person convicted of a second theft in manner aforesaid, or who has heretofore been convicted of a second theft, standing convicted of a former theft, shall steal any money, goods, chattels, or other articles, as before described, to the value of *Three pounds*, and be thereof convicted before the Supreme Judicial Court, in any

county in this Commonwealth, he shall be set upon the gallows for the space of one hour, with a halter about his neck, and one end thereof cast over the gallows, be severely whipped, not exceeding thirty-nine stripes, be branded on the right cheek with the letter T. and be further sentenced to hard labour during his natural life, and wear a chain round his leg with a large clog fastened to the end thereof.

Punishment.

And be it further enacted by the authority aforesaid, That if any person shall break up any dwelling house in the day time with an intent to steal or commit any felony, or enter any dwelling house in the night time, without breaking the same, with an intent to steal or to commit any felony, or break up any warehouse, shop, mill, malt-house, barn, stable, out house, or any public building, or other building whatsoever, or any ship or other vessel being within the body of the county, by night or by day, with an intent to steal or commit any felony, and being thereof convicted before the Supreme Judicial Court, shall be set upon the gallows for the space of one hour, with a rope about his neck, and one end thereof cast over the gallows, and be severely whipt not exceeding thirty-nine stripes, and shall pay treble the value of all goods or articles stolen, to the person injured, as is before herein provided: And the Justices of the same Court may further sentence him to make satisfaction for the articles stolen, by service, as is hereinbefore provided in case of theft, or sentence him to hard labour for a term of time, not exceeding fifteen years; and if any person being convicted of either of these offences, shall again commit either of the said offences, and be thereof convicted before the Supreme Judicial Court, he shall be branded on both cheeks with the letter B. and be confined to hard labour during life, as before mentioned.

Persons convicted of breaking up any dwelling house in the day time, or any shop, &c. by night or day, with an intent to steal, &c.

Punishment.

Persons twice convicted.

Punishment.

And be it further enacted by the authority aforesaid, That whosoever shall comfort, aid, abet, assist, counsel, hire, command or procure any person to commit any of the offences hereinbefore described, or that shall knowingly buy or receive any such stolen goods, chattels, or articles, or that shall knowingly receive, harbour, maintain or conceal any person guilty of any of the offences before described, shall be considered as accessory to the principal offender, and shall suffer the like punishment as he might have received on a first conviction; and in case

Punishment for aiding or abetting persons in committing offences, or receiving stolen goods, &c.

the principal offender be not known or prosecuted, any person committing any of the said crimes, whereby he becomes an accessory, may be prosecuted for a misdemeanor, and on conviction, shall suffer such punishment as the principal offender might have suffered on a first conviction.

And whereas it sometimes happens that persons convicted of theft, and sentenced to make restitution to the party, according to law, are unable to do the same, any otherwise than by service, and their being kept in goal may occasion great charge to the county:

Be it therefore enacted by the authority aforesaid, That no person convicted of theft, and sentenced for the same, shall be held in prison for or on account of the treble value awarded to the party injured, for more than the space of thirty days next after such sentence given, unless the party injured, or some one in his behalf, will become engaged, or give security to the keeper of the prison to pay and satisfy his charge and expence in keeping such prisoner, both for time past and future, according to the rate allowed for keeping prisoners in the same goal by the Justices of the quarter sessions; and in case the person injured shall refuse or neglect so to do, and shall not dispose of or take such prisoner in service, the keeper shall no longer be chargeable with such prisoner, but may set him at liberty; and in every such case the prisoner shall pay and satisfy the costs of Court, his own fees and charges of imprisonment, and if he be unable so to do, upon application made by the keeper of the goal to any two Justices, *quorum unus*, they are hereby empowered to determine the sum to be paid, and to order and enjoin the prisoner to make satisfaction by service, for such reasonable time as they may assign, for which time the keeper may dispose of the prisoner in service to any citizen of the United States, unless the Court before whom the conviction was, shall have sentenced the said prisoner to hard labor, to take effect if the party injured doth not dispose of him as is hereinbefore provided, in which case the said prisoner shall be delivered over by the said prison keeper to hard labour, according to the provisions of law.

And be it further enacted, That when any person shall be indicted for any high and aggravated crime or misdemeanor by the grand jury, and upon trial of the issue it

No person convicted of theft, to be held in prison on account of treble damages, more than 30 days, unless.

Persons indicted for any high crime, &c. by the grand jury, not found

shall appear to the petit jury that the person accused is not guilty of the whole crime charged in the indictment, but is guilty of so much thereof as shall substantially amount to a crime of a lower nature, the petit jury may find the indicted person guilty of such part only, and not guilty of the whole indictment, and the Court shall proceed to sentence such convict for the crime of which he is found guilty, according to law.

And be it further enacted, That the punishment of hard labor mentioned in this or any other law assigning the same, shall be carried into execution at such place and in such manner as may be provided by the law of this Commonwealth.

March 15, 1785.

1784.—Chapter 67.

[January Session, ch. 34.]

AN ACT TO PREVENT FORGERY, AND FOR THE PUNISHMENT OF THOSE WHO ARE GUILTY OF THE SAME. *Chap. 67*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person shall willingly and deceitfully forge, make or alter, or wittingly and deceitfully cause or procure, aid, abet or command the forging, making, or altering any matter of record, or any other matter of a public nature, any false deed, last will or testament, obligation or writing sealed, or any promissory note, bill of exchange, acceptance, assignment or indorsement on them, acquittance or receipt for money or goods, or any warrant, order or request for the payment of money, or delivery of goods or chattels of any kind, any certificate or accountable receipt for money or other things, any lottery ticket, or any assurance of money or other property whatsoever, with intent to defraud any person, or who shall utter or publish, or cause, procure or abet to be uttered and published as true, any of the above false, forged or altered matters as above specified and described, knowing the same to be false, altered and forged, with intent to deceive and defraud any person, upon conviction thereof he shall be punished by setting in the pillory, at one or more times or places, cropping one ear, whipping, imprisoning, fining, and binding to the good behaviour, all or any of these punishments, according to the nature and aggravation of the offence.

Persons guilty of forgery.

Punishment

March 16, 1785.

1784. — Chapter 68.

[January Session, ch. 35.]

Chap. 68

AN ACT FOR THE PUNISHMENT OF RAPE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any man shall ravish and carnally know any woman, committing carnal copulation with her by force against her will, or if any man shall unlawfully and carnally know and abuse any woman child under the age of ten years, every person offending in either of those cases before mentioned, being thereof convicted, shall be adjudged guilty of felony, and shall be sentenced to suffer the pains of death.

March 16, 1785.

1784. — Chapter 69.

[January Session, ch. 36.]

Chap. 69

AN ACT FOR ANNULLING THE DISTINCTION BETWEEN THE CRIMES OF MURDER AND PETIT TREASON.

Whereas it does not appear reasonable any longer to continue the distinction between the crimes of murder and petit treason :

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing this act, in all cases wherein heretofore any person or persons would have been deemed or taken to have committed the crime of petit treason, such person or persons shall be deemed and taken to have committed the crime of murder only, and indicted and prosecuted to final judgment accordingly ; and the same punishment only shall be inflicted as in the case of murder.

March 16, 1785.

1784. — Chapter 70.

[January Session, ch. 37.]

Chap. 70

AN ACT FOR INCORPORATING THE NORTHERLY PART OF THE TOWN OF CUMMINGTON INTO A DISTRICT BY THE NAME OF PLAINFIELD.

Preamble.

Whereas it appears to this Court, that the inhabitants of the northerly part of Cummington are exposed to great inconveniencies in attending public worship, by reason of their distance from the meeting house in the said town.

And whereas the said inhabitants have earnestly requested to be incorporated into a separate district :

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the aforesaid northerly part of Cummington, be, and it hereby is, by a line drawn through the centre of the said town, from east to west, incorporated into a district by the name of Plainfield; and that the inhabitants of the said district be vested with all the powers and privileges which the inhabitants of districts within this Commonwealth do or may enjoy.

Plainfield incorporated, and invested with powers.

Provided always, and be it further enacted, That the inhabitants aforesaid shall be held to pay their proportionable part of all taxes which have heretofore been granted by, or assessed on, the said town.

Inhabitants held to pay taxes already granted.

Be it further enacted by the authority aforesaid, That Nahum Ager, Esq; be, and he is hereby empowered to issue his warrant to some principal inhabitant of the said district, requiring him to warn the inhabitants thereof, qualified to vote as the law directs, to meet at such time and place as he shall think fit, to chuse all such officers as districts are by law authorized to chuse in the month of March, annually.

Nahum Ager, Esq; to call a meeting.

And be it further enacted by the authority aforesaid, That the inhabitants of the said district shall forever retain, hold and enjoy one full third part of all the public lands which now belong to the said town of Cummington.

Inhabitants to retain a part of public lands.

March 16, 1785.

1784. — Chapter 71.

[January Session, ch. 38.]

AN ACT IN ADDITION TO, AND FOR REPEALING CERTAIN PARTS OF AN ACT, ENTITLED, "AN ACT IN ADDITION TO, AND FOR REPEALING CERTAIN PARTS OF AN ACT, MADE AND PASSED THE THIRD DAY OF JULY, ANNO DOMINI, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-TWO, ENTITLED, "AN ACT TO REMOVE THE OBSTRUCTIONS AND OPEN PASSAGE WAYS FOR THE FISH CALLED ALEWIVES, SHAD, AND OTHER FISH, UP NEPONSET RIVER;" AND FOR MAKING MORE EFFECTUAL PROVISION FOR THE PASSAGE OF THE SAID FISH.

Chap. 71

Whereas, in and by the said act, it is provided, that a sufficient passage way be made for the said fish to pass up the said River Neponset, by a sluice or passage way, made on the south side of the saw mill, standing on Mr. Daniel

Preamble

Leeds's dam (so called) which provision is found not to answer the purpose for which it was designed:

Certain parts of
an act repealed.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such parts of the said act, as provide for a sluice or passage way on the south side of the saw mill, therein mentioned, be, and hereby are, repealed and made null and void.

Passage way to
be made.

And be it further enacted by the authority aforesaid, That a passage way, four feet in width, be made for the said fish to pass up the said River Neponset, in the following manner, viz.: Through the dam aforesaid there be a sluice or passage way made, on the north side of the chocolate mill, standing on the south end of the said dam, at the distance of eight feet from the said chocolate mill.

Sluice, how
constructed.

And the said sluice to be well and substantially built with stone and timber, as the Selectmen of the town of Braintree shall judge sufficient; and to be constructed in such a manner as not to draw off the water to a depth less than three feet and nine inches in the said Leeds's floom, when it runs nine inches in depth in the head of the said sluice: And the said sluice always to be kept open after the twentieth day of April, in every year, until the fifteenth day of June: And if it shall so happen that there be not a sufficiency of water to carry all the mills on the said dam, when the said sluice is open, the said Leeds's grist mill shall have the preference.

When kept
open.

March 16, 1785.

1784. — Chapter 72.

[January Session, ch. 39.]

Chap. 72

AN ACT DIRECTING THE PROCESS IN HABEAS CORPUS.

Preamble.

Whereas the writ commonly called the writ of Habeas Corpus is a writ of right to which the citizens of this Commonwealth are, by constitution and the law of the land, at all times entitled, to obtain relief from every wrongful imprisonment, or unlawful restraint of personal liberty:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That any person imprisoned in any common goal, or otherwise restrained of his personal liberty, by any officer or officers, or any other person or persons, for any cause or upon any pretence whatever, he or any person in his behalf may complain, in writing, to the

Persons imprisoned,
&c. may complain in
writing to the
Supreme Judicial Court.

Supreme Judicial Court of this Commonwealth in term time in any county, or to any one or more of the Judges thereof in the vacation time of the said Court; and upon such complaint, and upon view of the copy of the warrant (if any there be) by which such person stands committed, or upon his affidavit certified by a Justice of the Peace, or on the oath of the person applying on his behalf, or any other credible witness, or upon the affidavit of such witness certified as aforesaid, if he lives more than twenty miles from the Court or Judge applied to, that a copy of such warrant has been demanded and denied; the said Court in term time, and the said Judge in the vacation, hereby are respectively authorized and required to award a writ of Habeas Corpus, directed to the officer or person imprisoning or restraining the complainant, returnable forthwith to such Court or Judge who awarded the same, except the complaint be in favor of persons committed for treason or felony, or for suspicion thereof, or as accessory to the latter before the fact, plainly and specially expressed in the warrant of commitment, or persons convict or in execution by legal process, criminal or civil, or committed by mesne process in any civil action for want of reasonable bail, and persons with regard to whom the benefit of the said writ shall be suspended by the legislature, agreeable to the constitution.

Upon such complaint, Court authorized to award a writ of habeas corpus, except in certain cases.

And be it further enacted, That such writ, when awarded by the said Court, shall be signed by the clerk, tested by the first justice who is not party thereto, and sealed with the seal thereof; but when awarded by any Judge in the vacation, shall only be under the hand and seal of such Judge, and shall direct the place to which the complainant shall be brought; and the form of such writ, when awarded by the said Supreme Judicial Court, shall be as follows, *viz.*:

When awarded, how tested, &c.

COMMONWEALTH OF *Massachusetts*.

[SEAL.] S— ss.

To

Greeting.

We command you that the body of A. B. of in our prison, under your custody, (or by you imprisoned and restrained of his liberty, as the case may be) as 'tis said, together with the day and cause of his taking and detaining, by whatsoever name the said A. B. shall be called or charged, you have before our Justices of our

Form of the writ.

Supreme Judicial Court, holden at B. within and for the county of S. immediately after the receipt of this writ, to do and receive what our said Justices shall then and there consider concerning him (or her) in this behalf; and have there this writ. Witness. W. C. Esq; at B. this day of in the year of our Lord, 17 Clerk.

Supreme Judicial Court, in term-time, or Judges in the vacation, not restrained from bailing any person.

And the like form shall be used by the Judge, *mutatis mutandis*, when such writ shall be awarded by him; *provided*, that nothing in this act contained shall be construed to hinder or restrain the said Supreme Judicial Court, in term time, or any one or more Judges thereof, in the vacation, from bailing any person wherever and for whatever offence committed, at their discretion, whenever the circumstances of the case shall appear to require it; -- persons committed by the Governor and Council, Senate, or House of Representatives, agreeable to, and for the causes mentioned in the constitution, always excepted.

Officer or person to whom the writ is directed, ordered to receive the same; and upon payment or tender of charges to have the body of the complainant before the Court or Judge awarding the writ, within a fixed time.

And be it further enacted by the authority aforesaid, That when any person shall bring and offer such writ of Habeas Corpus to the officer or person to whom the same shall be directed, he shall receive the same; and upon payment or tender of such charges for bringing the complainant from the place of imprisonment, as the Court or Judge who grants the writ shall order, if the person complaining be confined in a common goal, or under the custody of an officer, otherwise, without such payment or tender, to the place mentioned in the writ, such officer or person shall have the body of the complainant before the Court or Judge awarding the writ, (unless committed and detained for some one or more of the causes aforesaid) at the place therein mentioned, within three days, if within twenty miles from the place of imprisonment; if more than twenty, but within one hundred miles, then within ten days; if above one hundred miles, then within twenty days after the receipt thereof; and shall then return the same, and certify thereon the true and all the cause or causes of his or her taking and detaining.

Writs awarded by any Judge in the vacation, not returned before the sitting of the Court, may be returned, &c. by the Judge.

And be it further enacted by the authority aforesaid, That if after the awarding such writ by any Judge of the said Supreme Judicial Court, in the vacation, but before the return thereof the said Court shall sit in any county, the said writ, with the body of the complainant, and causes of taking and detaining, may be returned, had

and certified to the said Court by the Judge who awarded the same: But if after awarding such writ by the said Court, in term time, but before the return thereof the said Court shall rise, or be adjourned, the same, with the body of the complainant, and causes of taking and detaining, shall be returned, had and certified before some Judge of the said Supreme Judicial Court.

And be it further enacted by the authority aforesaid, That when any person shall be brought, by writ of habeas corpus as aforesaid, before the said Court, or any Judge thereof, such Court or Judge shall, within three days after, proceed to examine the said causes; and if committed for an offence or cause bailable by law, they shall bail him by recognizing him with sufficient surety or sureties in a reasonable sum, having regard to his quality and circumstances, and the nature of the offence, to appear at such Court as shall have cognizance of the offence; and shall certify the recognizance into such Court, if committed upon mesne process in any civil action for want of bail, and the bail required shall appear excessive, it shall be ascertained what bail is reasonable, and he shall be discharged on giving the same: But if it shall appear that the complainant is imprisoned or restrained without due order of law, or sufficient cause, he shall be discharged from such commitment or restraint.

Persons brought before the Court or any Judge, by writ of habeas corpus — what proceedings shall be had.

And be it further enacted, That if any officer, in whose custody any prisoner shall be, shall not, within six hours after demand made, deliver such prisoner a true copy of the warrant or process by which he stands committed, such officer shall forfeit, to the party grieved, the sum of *Fifty pounds*.

Penalty when any officer neglects after demand made, to deliver a copy of the warrant.

And be it further enacted, That if any officer or person, to whom any writ of Habeas Corpus shall be directed, shall refuse to receive the same, or, after receipt thereof, shall refuse or neglect to yield such obedience thereto as this act requires, (the complainant performing the conditions required) unless prevented by the sickness of the prisoner, or other necessity, he, for such refusal or neglect, in each and every particular, shall forfeit, to the party grieved, the sum of *One hundred pounds*; and for any false return to such writ, shall be further liable to the action of the party.

Officers or persons to whom writs are directed, refusing to receive the same or yield obedience.

Penalty.

And it is further enacted, That the Court or Judge respectively may further punish every disobedience to

Court or Judge may further punish disobedience.

dience as for a contempt.

such writs as for a contempt, and compel obedience thereto, by process of attachment.

And in order to prevent any attempts that might be made to deprive any prisoner of the benefit of his Habeas Corpus, by shifting the custody of such prisoner from one prison or officer to another, or sending him away:

Prisoners shall not be delivered from one officer to another, nor be removed from one county to another, unless by habeas corpus, &c.

Be it enacted by the authority aforesaid, That every person, duly ordered to be committed for any criminal or supposed criminal matter, shall be carried, as soon as may be, and confined in some common goal, and not elsewhere, (except persons sent to the work house or house of correction for due cause) and shall not be delivered from one officer to another, except for the more easy and speedy conveyance of the prisoner to such goal nor be removed, without his consent, from one county to another, unless by Habeas Corpus, or some other legal writ, under the penalty of forfeiting, for every offence, to the party grieved, the sum of One hundred pounds.

Persons transporting any subject of this Commonwealth to any place without the limits of the same, without his consent.

And be it further enacted, That if any person shall transport, or carry, or cause to be transported or carried, any subject of this Commonwealth, or other person lawfully residing and inhabiting therein, to any part or place without the limits of the same, by land or water, without his consent or voluntary agreement; or in order to remove such person from one part of the state to another part of the same, except for the purpose of defending the same in time of war, agreeable to the constitution, or except such person be sent by due course of law, to answer for some criminal offence committed in some other of the United States of America, every person so offending, and every person aiding and abetting the same, being duly convicted thereof before the Supreme Judicial Court, shall be punished by fine not exceeding Five hundred pounds, by whipping not exceeding thirty-nine stripes, and imprisonment not exceeding two years, or any one or more of those punishments, at the discretion of the said Court, and be further liable to the action of the party grieved.

Punishment.

Masters of vessels carrying out of this government any person under the age of 21 years.

And be it further enacted by the authority aforesaid, That every master or commander of any outward bound ship or vessel that shall hereafter carry or transport out of this government, any person under the age of twenty-one years, or any apprentice, or any indented servant, to

any parts beyond sea, without the consent of his parents, master, or guardian, shall forfeit and pay the sum of *Fifty* Penalty. *pounds*; one moiety to the use of this government, and the other moiety to him or them that shall sue for the same; and be further liable for the damages sustained by the parent, master, or guardian, in a special action of the case.

And be it further enacted by the authority aforesaid, That no person enlarged by Habeas Corpus shall be again imprisoned or restrained of his liberty for the same cause, unless he shall be indicted therefor, or convicted thereof, or shall neglect to find bail when ordered thereunto by some court of record. *Provided*, that no penalty established by this act shall be construed to bar any action at common law for false imprisonment or unlawful restraint. And when any person shall be unlawfully carried out of the government, or imprisoned in a secret place, any other person shall be permitted to appear for him in any action brought in his name; provided such person shall stipulate for the payment of costs, as the Court shall direct.

And be it further enacted, That any person who shall be held in prison upon suspicion of having committed a crime for which he may have sentence of death passed upon him, shall be bailed or discharged, if he is not indicted at the second term of the setting of the Supreme Judicial Court in the county where the crime is alleged to have been committed, when there are two terms a year in such county: And in such counties as have but one Supreme Judicial Court in a year, the defendant shall be bailed or discharged, if he is not indicted at the first term; provided such person shall have been held in prison for the space of six months next preceding the day of the Court's setting. And when any person shall be held in prison under indictment, he shall be tried or bailed at the first term next after his indictment, if he demands the same, unless it shall appear to the Court that the witnesses, on behalf of the government, have either been enticed away, or are detained by some inevitable accident from attending. And all persons under indictment for felony, shall be bailed or tried at the second term after the bill shall be returned, if they demand it.

No person enlarged by habeas corpus, shall again be imprisoned for the same cause, unless indicted therefor, &c.

Any person held in prison upon suspicion of having committed a capital crime, shall be bailed or discharged, if not indicted at the second term.

Persons held in prison under indictment, shall be tried or bailed at the first term, if they demand the same.

March 16, 1785.

1784. — Chapter 73.

[January Session, ch. 40.]

Chap. 73 AN ACT IN ADDITION TO AN ACT, ENTITLED, "AN ACT EMPOWERING THE DELEGATES OF THIS COMMONWEALTH, IN THE UNITED STATES IN CONGRESS ASSEMBLED, TO RELINQUISH TO THE UNITED STATES CERTAIN LANDS, THE PROPERTY OF THIS COMMONWEALTH."

Whereas by the act aforesaid, three delegates representing this State in Congress, are necessary to make the cession aforesaid, and it may be necessary that the said business should be performed by a less number of the said delegates:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That any two delegates representing this Commonwealth in Congress, be, and hereby are, authorized and empowered to do and perform all matters and things which by the act aforesaid might be done and performed by any three delegates as aforesaid, any thing in the aforesaid act notwithstanding.

March 17, 1785.

1784. — Chapter 74.

[January Session, ch. 41.]

Chap. 74 AN ACT FOR DIVIDING THE TOWN OF GRANVILLE INTO THREE SEPARATE PARISHES.

Preamble.

Whereas for the convenience of attending the public worship of God, it is found necessary to divide the town of Granville into three separate parishes; and the inhabitants thereof having applied to this Court for that purpose:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said town of Granville be, and is, hereby divided into three separate parishes, by the several names of the East, Middle and West Parish of Granville, by the following lines, viz.: The lines between the East and Middle Parish to begin at Hartland line, at the brook called Great Valley Brook, to run northwardly by the said brook to the great valley bridge; then from the said bridge northwardly, to a bridge over the said brook, on the north road, so called; from thence to the south-

Line between
the east and
middle parish.

east corner of *John Webb's* land; thence on the said *Webb's* line to *Blanford* line. The line between the Middle and West Parish to begin at the dividing line between *Hartland* and *Granville*, at the centre between the road which leads from Colonel *Robinson's* to *Hartland* meeting house, and that which leads from *Moses Golf's* to the said *Hartland* meeting house; from thence running northwardly a straight line, to the middle of the bridge over *Hubbard's* River, on the county road; from thence running northwardly to *Blanford* line, in a centre line between the two roads, *viz.*: one leading from *Timothy Robinson's* to *Thomas Moore's*, the other leading from *Samuel Hall's* to *Loudon*.

Line between the middle and west parish.

Be it further enacted, That the meeting house, ministry lands, and the rents due for use of the said lands lying in the East Parish in the said *Granville*, shall belong to and be for the use and benefit of the said parish.

What lands, &c. shall belong to the east parish.

And be it further enacted, That all the lands given by the proprietors for the support of the gospel for the West Parish, shall belong to and be for the use and benefit of the said West Parish, together with all the proceeds of the sale of the said lands, or any other monies or securities for money that may have been given to the inhabitants of the said parish.

What shall belong to the west parish.

And be it further enacted by the authority aforesaid, That the several parishes aforesaid be, and hereby are, respectively invested with all the powers, rights, privileges and immunities, which other parishes in this Commonwealth are invested with.

Parishes invested with powers.

And be it further enacted by the authority aforesaid, That *Oliver Phelps*, Esq; be, and is, hereby authorized and empowered to issue his warrant to some principal inhabitant of each of the said parishes, requiring them to notify and warn the inhabitants of the said parishes to which they respectively belong, to meet at such time and place in each of the said parishes, as by the said warrants shall be duly specified, and then and there chuse such officers as may be necessary to manage the affairs of the said parishes respectively. And the inhabitants qualified by law to vote being so assembled, shall be and are hereby empowered to chuse officers in their respective parishes accordingly.

Oliver Phelps, Esq; to call a meeting in each parish.

March 17, 1785.

1784. — Chapter 75.

[January Session, ch. 42.]

Chap. 75 AN ACT IMPOSING DUTIES ON LICENCED VELLUM, PARCHMENT AND PAPER.

Preamble.

Whereas, in consequence of the late war, a considerable debt has arisen upon this Commonwealth; and it is an object which demands the whole attention of the Legislature, to devise ways and means for discharging the same, which, in operation, will be the least burthensome to the people. And whereas considerable sums of money may easily be collected from licenced vellum, parchment and paper:

Instruments
dutied.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be, throughout this Commonwealth, raised, levied, collected and paid, for the several and respective things hereinafter mentioned, which shall be engrossed, printed or written, the several and respective rates, duties, charges and sums of money, hereinafter expressed, in manner following, that is to say,

For every deed, conveying real estate, whether the same be for years, or any greater estate, one shilling.

For every bond, other than such as shall be made payable to Judges of Probate, one shilling.

For every charter party, one shilling.

For every promissory note of hand, whereby the value of Six pounds, or a greater sum, shall be promised to be paid, three pence.

For every original writ, issuing from the office of a Clerk of Common Pleas, six pence.

For every original writ, issuing from a Justice of the Peace, three pence.

For every writ of execution, issued by the Clerks of the Supreme Judicial Court, nine pence.

For every writ of execution, issued by a Clerk of the Court of Common Pleas, six pence.

For every writ of execution, issued by a Justice of the Peace, four pence.

For every policy of insurance, one shilling.

For every newspaper, two-thirds of a penny.

For every almanack, one penny.

For every bill of lading, one penny.

For every register for vessels, one shilling.

For every foreign clearance, *nine pence*.

For every clearance of any vessel not wholly owned by any citizen or citizens of this or any other of the United States, *twelve shillings*.

For every certificate certifying the admittance of any person to practice as an Attorney in a Court of Common Pleas, *Six pounds*.

For every certificate of the admittance of a person to practice as an Attorney in the Supreme Judicial Court, the sum of *Nine pounds*.

And no person not already admitted to practice as aforesaid, shall do the business of an Attorney in either of the Courts aforesaid, until he hath obtained a certificate of his admittance, and actually paid the duty above imposed.

For every certificate of the admittance of any person to the degree of a Barrister at Law, *Twelve pounds*.

And no person not already admitted thereto, shall hereafter enjoy the degree and rank of a Barrister at Law, until he hath obtained a certificate of his being admitted as aforesaid, and hath actually paid the said duty.

Provided always, That nothing in the foregoing paragraphs shall be construed to extend to the preventing any person from exercising the right he has of defending himself, or supporting his own cause by himself, or his counsel at his election.

Be it enacted by the authority aforesaid, That for the better and more effectually levying and collecting the said several duties hereby made payable on the before-mentioned instruments and writings, the same shall be under the government and care of the Secretary of the Commonwealth for the time being; who is hereby required and empowered to employ the necessary officers under him for that purpose; and to cause all such stamps to be provided, to denote the duties abovementioned, as shall be requisite; and to do all other things necessary to be done by them, for the putting this act in due execution, with relation to those duties.

Be it further enacted by the authority aforesaid, That all vellum, parchment and paper, upon which any of the aforesaid instruments or things shall, from and after the first day of *July* next, be engrossed, printed or written, shall, before such engrossing, printing or writing, be

To be under the government of the Secretary of the Commonwealth.

After the first day of *July* next, all vellum, &c. upon which such instruments shall be engrossed, printed or written, shall be

brought to the
Commissioner's
office, to be
stamped or
marked.

brought to the office of the Commissioner aforesaid ; and they, by themselves, or by their officers employed under them, are hereby empowered and required forthwith, upon demand to them made by any person or persons, from time to time, to stamp or mark, as this act directs, any quantities of vellum, parchment or paper ; he or they paying the respective duties payable for the same by this act, without any other fee or reward, and without delay : Which stamp or mark, to be put thereupon in pursuance of this act, shall be a sufficient discharge for the several and respective duties hereby made payable for such vellum, parchment, or paper, which shall be stamped or marked.

Persons en-
grossing, print-
ing or writing
such instru-
ments, before
the vellum,
&c. is stamped.

Be it further enacted by the authority aforesaid, That if any person or persons shall, from and after the first day of *July* next, engross, print, or write, or cause to be engrossed, printed, or written, any of the instruments or things abovementioned, or sign any one of them before the vellum, parchment or paper shall appear to have been duly stamped, he or they so offending shall, for every such offence, forfeit the sum of *Three pounds*, with full costs of suit. And any officer, employed in the execution of this act, offending herein, and being convicted of any such offence, shall (over and besides the forfeiture and penalty aforesaid) forfeit and lose his office and employment, and be incapable to hold the same after such conviction. And that if any of the instruments or things shall, during the continuance of this act, be written, printed, or engrossed, contrary to the true intent and meaning hereof, upon vellum, parchment, or paper, not appearing to have been duly stamped according to law, that then, and in every such case, there shall be due, answered and paid, over and above the duties hereby due or payable, for every such instrument or thing respectively, the sum of *four shillings* ; and that no such instrument or thing beforementioned shall be available in law, or be given in evidence, or admitted in any Court of law, unless, as well the said duties hereby charged, as the said *four shillings*, shall be first paid, and a receipt produced for the same, under the hand of one of the receivers of the said duties, and until the vellum, parchment, or paper, on which such instrument or thing is so written, engrossed, or printed, shall be so marked and stamped, according to the tenor and true meaning hereof. And

Forfeit.

Officers em-
ployed in the
execution of this
act offending
herein.

Penalty.

No instrument
or thing written,
printed or en-
grossed, not
duly stamped,
shall be availa-
ble in law, un-
less as well the
duties as the
sum of 4s. shall
be first paid,
and the instru-
ment stamped.

the receiver of the aforesaid duties is hereby enjoined and required, upon payment or tender of the said duties payable by virtue hereof, and of the said sum of *four shillings*, to give a receipt for such money: And the officer or officers, appointed by this act for that purpose, are thereupon required to mark and stamp such instrument or thing with the marks and stamps requisite in that behalf.

Be it further enacted by the authority aforesaid, That all public officers who shall from time to time have in their custody any public books, files, records, or proceedings, the light or knowledge whereof may tend to the securing of the aforesaid stamp duties, or to the proof or discovery of any fraud or omission in relation thereto, or to any of them, shall at any seasonable time or times permit any receiver, being thereunto authorized by any Justice of the Peace for that purpose, to inspect and view all such books, files, records or proceedings as aforesaid, and to take thereout such notes and memorandums as shall be necessary for the purposes last mentioned, without fee or reward, upon pain that such clerk or other officer or officers who shall refuse or neglect so to do, upon reasonable request in that behalf made, shall for every such refusal or neglect, forfeit the sum of *two hundred pounds*, with full costs of suit.

Receivers, duly authorized, may inspect all public books, files, &c. that may tend to the securing of the stamp duties, or discovery of fraud, &c.

And be it further enacted by the authority aforesaid, That every officer who shall act in or about the managing or collecting the aforesaid duties, shall before he enters upon the duties of his office, take the following oath, *that is to say*,

Officers managing or collecting the duties, to be sworn.

I, *A. B.* do swear, that I will faithfully execute the trust reposed in me, pursuant to an act, entitled, “An act imposing duties on licenced vellum, parchment and paper,” without fraud or concealment, and will from time to time true account make, of my doings therein, and deliver the same to such person as shall be appointed to receive such account, and shall take no fee, reward or profit, for the execution or performance of the said trust, or the business relating thereto, from any person or persons, other than such as shall be by law allowed.

Form of the oath.

So help me GOD.

Be it further enacted by the authority aforesaid, That no fee or reward shall be demanded or taken by any officer relating to the said stamp duties, for any matter

Officers neglecting their duty, whereby damage may be sustained, liable to an action.

or thing to be done in pursuance of this act; and in case any officer entrusted with the execution of this act, in relation to the said stamp duties, shall refuse or neglect to perform any matter or thing by this act required to be done or performed by him whereby any person or persons shall or may sustain any damage whatsoever, such officer so offending shall be liable, by any action to be founded upon this statute, to answer to the party grieved all such damages, with treble costs of suit.

Duties to be paid into the treasury monthly.

Be it further enacted by the authority aforesaid, That the aforesaid duties shall be all paid into the hands of the Treasurer of this Commonwealth monthly, who shall keep a separate and distinct account thereof.

When stamps are altered or renewed, persons who have in their possession any vellum, &c. marked with the stamp so altered, may exchange the same for the like quantity newly stamped.

Provided always, and be it further enacted, That as often as it shall be thought necessary to alter or renew the said marks or stamps, to be provided or used in pursuance of this act, or any of them, it shall be lawful for all persons who shall at that time have in their custody or possession any vellum, parchment or paper, marked with the stamp or stamps which shall be altered or renewed, and upon which none of the matters or things hereby charged shall be engrossed, written or printed, at any time within the space of fifty days after such intention of renewing or altering shall be made known, to bring or send such vellum, parchment or paper to such officer or officers as shall be appointed in that behalf; and the said officer or officers respectively are hereby required to deliver, or cause to be delivered to the several persons who shall so bring and deliver any quantity of vellum, parchment or paper, and as good in quality, stamped with new stamps, without demanding or taking directly or indirectly for the same, any sum of money or consideration whatsoever, under the penalty of forfeiting for every such offence *One hundred pounds*, to be sued for, recovered and divided in such manner as is hereinafter provided and directed; and in case any person shall neglect or refuse within the time aforesaid, to bring or cause to be brought and delivered to the said officer or officers as aforesaid, any such vellum, parchment or paper, the same is hereby declared to be of no other effect or use than if it had never been stamped; and that all matters or things charged with the aforesaid duties, which shall after that time be engrossed, printed or written thereon, shall be of no other effect than if they had been engrossed, printed

In case any person neglects, the same declared to be of no other use than if it had never been stamped.

or written on vellum, parchment or paper, not marked or stamped at all; and all persons who shall engross, print or write any of the matters or things hereby charged on such vellum, parchment or paper, after the said time, shall forfeit and suffer as hereinbefore is enacted for persons writing, printing or engrossing on vellum, parchment or paper not marked or stamped; *provided always*, That the intention of altering the marks or stamps be made known at least fifty days before the said alteration take effect.

Proviso.

Be it further enacted by the authority aforesaid, That if any person or persons whatsoever shall at any time or times hereafter, counterfeit or forge any stamp or mark, to resemble any stamp or mark which shall be provided, made or used in pursuance of this act, or shall counterfeit or resemble the impression of the same, upon vellum, parchment or paper, thereby to deprive this Commonwealth of any of the said duties on vellum, parchment or paper; or shall utter, vend or sell any vellum, parchment or paper, with such counterfeit mark or stamp thereupon, knowing such mark or stamp to be counterfeit; or if any person whatsoever shall privately and fraudulently use any stamp provided or used, or to be provided or used in pursuance of this act, so as thereby to defraud this Commonwealth of the duties aforesaid, then every such person so offending, and being thereof convicted in due form of law, shall for every such offence forfeit the sum of *One thousand pounds*, with treble costs of suit, or be punished by whipping, not exceeding thirty-nine stripes, or by imprisonment, not exceeding one year, or by sitting in the pillory, or be subject to any or all the aforesaid punishments, at the discretion of the Court before whom the conviction shall be had.

Penalty for forging any stamp or mark used in pursuance of this act.

Be it further enacted by the authority aforesaid, That the Secretary of the Commonwealth be, and hereby is, appointed for the purpose of providing proper marks or stamps, and to take care that the several parts of the Commonwealth be sufficiently furnished with vellum, parchment or paper, stamped and marked as aforesaid, so as the citizens thereof may have it in their election to buy the same of the officer or persons to be employed by the said commissioner, at the usual and most common rates above the said duties, or to bring their own vellum, parchment or paper to be stamped as aforesaid, or to

Secretary to take care that the several parts of the Commonwealth be supplied with stamped vellum, &c.

furnish themselves or others that shall have done the same.

Penalties, how
applied.

Be it further enacted by the authority aforesaid, That all penalties hereby imposed, relating to the said duties upon stamped vellum, parchment, or paper, shall be the one moiety thereof, to the use of this Commonwealth, and the other moiety thereof, with full costs of suit, to such person or persons as shall inform and sue for the same, in any Court within this Commonwealth, by action of debt, information or indictment.

March 18, 1785.

RESOLVES

OF

MASSACHUSETTS.

1784.

RESOLVES
OF THE
GENERAL COURT
OF THE
COMMONWEALTH OF MASSACHUSETTS,
IN NEW-ENGLAND:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY, THE TWENTY-SIXTH DAY OF
MAY, ANNO DOMINI 1784.

BOSTON:
PRINTED BY ADAMS AND NOURSE,
Printers to the Honorable General Court.

M,DCC,LXXXIV.

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RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE TWENTY-SIXTH DAY OF *MAY*, ANNO DOMINI 1784.

1784. — MAY SESSION.

His Excellency JOHN HANCOCK, Esq ;
Governor.

His Honor THOMAS CUSHING, Esq ;
Lieutenant-Governor.

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Honorable Jeremiah Powell,	Honorable Nathan Cushing,
Moses Gill,	James Prescott,
Walter Spooner,	Jonathan Greenleaf,
Timothy Danielson,	Samuel Holton,
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Branches of the GENERAL COURT, viz.*

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John Lowell, Esquires.

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New Ashford.
Lee, Mr. Ebenezer Jenkins
Windsor, Capt. L. Grosvenor.

Chapter 1.

Chap. 1 RESOLVE RELATING TO LANDS LYING TO THE WESTWARD OF HUDSON'S RIVER, REQUESTING THE GOVERNOR TO SEND THE SAME BY EXPRESS TO THE DELEGATES OF THIS STATE; AND GRANTING ONE HUNDRED POUNDS TO THE SAID EXPRESS.

Resolved, That the following petition be forwarded to the delegates of this Commonwealth in Congress, and that the said delegates prefer the same to the United States in Congress assembled, as a foundation of farther proceedings of this Commonwealth, in order to regain the possession of such part of the land therein described, as the said Commonwealth have been disseized of.

To the United States in Congress assembled.

The petition of the Legislature of the Commonwealth of Massachusetts: Sheweth.

That whereas *James* the *first*, late King of *Great Britain*, by his letters patent, bearing date at *Westminster*, the third day of *November*, in the eighteenth year of his reign, granted unto the Council established at *Plymouth*, in the county of *Devon*, and kingdom of *Great Britain*, commonly called the Council for planting, ruling and ordering and governing of *New England*, in *America*, all that part of *America*, lying and being in breadth from forty to forty-eight degrees of northerly latitude, and of length, of and within all the breadth aforesaid throughout the main lands, from sea to sea, to hold the same to themselves, their successors and assigns forever; and whereas the said Council established at *Plymouth*, by their deed, indented under their seal, dated the nineteenth day of *March*, in the third year of the reign of *Charles* the *first*, late King of *Great Britain*, did bargain, sell, enfeoff, alien and confirm unto Sir *Henry Rosswell* and his associates, and to their heirs and assigns, all that part of *New England*, in *America*, which lieth and extendeth between a great river called *Merimack*, and a certain other River there called *Charles River*, being the bottom of a bay, there called *Massachusetts Bay*; and also all those lands lying within three English miles to the southward of the southernmost part of the said Bay, and extending thence, northward in latitude to the northward of every part of the said River *Merimack*, and in

the breadth of latitude aforesaid, extending throughout all the main land in longitude westwardly to the southern ocean: And the said Legislature in their claim herein described, do aver, that the Point, a place situate three miles south of the Bay called *Massachusetts Bay*, is a point or place situate in forty-two degrees of northern latitude, two minutes north, and that the place, point or boundary aforesaid of three miles to the northward of every part of the River *Merimack*, is a place or point situate in forty-four degrees in northern latitude, fifteen minutes north, and that by the grant aforesaid, the said Sir *Henry Rosswell* and his associates became seized of all the lands before described, and contained in the grant aforesaid, of the said Council established at *Plymouth*; and that the same grant was confirmed to the said Sir *Henry Rosswell* and his associates by the said King *Charles*, by his letters patent, dated in the fourth year of his reign, and that the said Sir *Henry Rosswell* and his associates were immediately upon the making the grant aforesaid by the said Council, in the actual seizen and possession of all the lands aforesaid, and for many years held the same, under the name and title of the Governor and Company of *Massachusetts Bay*, in *New England*, and that such proceedings and possessions have been done and had respecting the territory aforesaid, granted to the said Sir *Henry Rosswell* and his associates, and such subsequent grants have been made of the same, that all the said territory is now the just and proper right of the Commonwealth aforesaid; and all this the said Legislature are ready to verify.

And whereas the State of *New York* have set up a claim to some part of the land beforementioned, and it being highly necessary to have the same claims brought to an immediate decision; they do therefore, in behalf of the said Commonwealth, most solemnly request the United States of *America* in Congress assembled, That commissioners may be appointed for enquiring into, and determining upon the claim aforesaid, of the said Legislature, and that such other proceedings respecting the premises may be had, as are by the fœderal government of the said United States in such cases made and provided.

May 27, 1784.

Chapter 2.

- Chap. 2* RESOLVE RELATING TO LANDS LAYING TO THE WEST OF HUDSON'S RIVER, REQUESTING THE GOVERNOR TO SEND THE SAME BY EXPRESS TO THE DELEGATES OF THIS STATE; AND GRANTING ONE HUNDRED POUNDS TO THE SAID EXPRESS.

Resolved, That the Governor be, and he is hereby requested to write to the delegates of this Commonwealth in Congress, and enclose the resolve and petition this day passed on the subject of the lands laying to the west of *Hudson's River*, which belong to this Commonwealth, and to order a suitable express to carry the same to the said delegates, with all possible dispatch. And also to draw a warrant on the Treasury for the sum of one hundred pounds, to enable him to perform the journey with the greatest possible expedition; he to be accountable for the expenditure of the same.

May 27, 1784.

Chapter 3.

- Chap. 3* A GRANT OF SIX HUNDRED POUNDS TO RICHARD DEVENS, ESQ; COMMISSARY GENERAL, TO PROCURE OIL AND OTHER ARTICLES.

Resolved, That there be paid out of the Treasury of this Commonwealth to *Richard Devens*, Esq; Commissary General, the sum of six hundred pounds, from the revenue arising from the light-houses, to enable him to procure oil and other articles necessary for continuing the lights.

May 27, 1784.

Chapter 4.

- Chap. 4* RESOLVE ON THE PETITION OF PAUL DUDLEY SARGENT, AUTHORIZING THE JUDGE OF PROBATE TO CAUSE THE COMMISSIONERS TO SIT AGAIN, AND ALLOW THE CLAIMS AGAINST THE ESTATE OF WILLIAM BROWN, ESQ.

On the petition of Paul Dudley Sargent, praying that the Judge of Probate in and for the county of Essex, may be authorized to direct the commissioners on the estate of William Brown, Esq; again to sit and examine certain claims against the said estate in the said petition mentioned:

Resolved, That the Judge of Probate, in and for the county of *Essex*, be, and hereby is authorized and empowered, to cause the Commissioners aforesaid again

to sit, examine and allow such just claims against the estate of the said *William Brown, Esq*; as may be exhibited by the said *Paul Dudley Sargent*, as administrator to *Catharine Sargent*, late of *Salem*, deceased, the said commission of the said Commissioners having been returned to the said Judge of Probate and closed, notwithstanding.

May 29, 1784.

Chapter 5.

RESOLVE ON THE PETITIONS OF *ROBERT PEGIN* AND *ALICE PEGIN* AND OTHERS, EMPOWERING THE GUARDIAN TO THE INDIANS IN THE COUNTY OF *PLYMOUTH*, TO SELL A CERTAIN PART OF THE LAND MENTIONED. *Chap. 5*

On the petitions of Robert Pegin and Alice Pegin his wife, Patience Wood and Deborah James, Indian man and Indian women, all of Bridgewater in the county of Plymouth, praying for liberty to sell several parcels of land mentioned and described in the said petitions, for reasons therein set forth.

Resolved, That John Turner, David Kingman and John Nelson, Esq's. guardians to the Indians in the county of *Plymouth*, be, and they are hereby authorized and empowered to sell so much of the land mentioned in the said petitions as will answer the purposes therein mentioned, for the most the same will fetch. And they are hereby authorized and empowered, in the behalf of the said Indians to make and execute good and lawful deed or deeds of the said lands; they the said guardians previously giving bonds, with sufficient sureties, to the Judge of Probate for the county of *Plymouth*, that the neat proceeds of the sales of the said lands shall be faithfully applied for the benefit of the said Indians, and for the purposes mentioned in their said petitions.

June 4, 1784.

Chapter 6.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *PRINCETON*, CONFIRMING THE PROCEEDINGS OF THE SAID TOWN, RELATIVE TO RAISING THREE MEN. *Chap. 6*

On the petition of the selectmen of the town of Princeton, in the county of Worcester:

Whereas the General Court of this State did, by their

resolve of the second of December, 1780, make a requisition upon the town of Princeton, of nine men, for the continental service, three of which men the said town supplied by three-ninth parts of its inhabitants classing themselves; the other six men were procured and agreed to be paid by the remaining six-ninths of the said inhabitants, and it appearing to this Court that the said inhabitants, did, at a legal town meeting on the twenty-sixth day of January, 1784, called for that purpose, vote and agree, that the assessors for the time being, should class the town to pay the men aforesaid, and did direct the said assessors to proportion the same upon the valuation, taken in the fall of the year 1780, being the same valuation directed to by the General Court, having regard to the three-ninth parts of the town who procured the first three men aforesaid, and the said town by their selectmen having prayed the interposition of this Court:

Therefore *Resolved*, Agreeable to the prayer of the said petition, that the votes and proceedings of the town of *Princeton*, with respect to the three men raised by the three-ninth parts of the said town, and also the proceedings and agreements of the said town at their meeting the twenty-sixth of *January*, 1784, be, and hereby are ratified and confirmed, in the same manner as though they had been done at the time the said soldiers first enlisted, any law or usage to the contrary notwithstanding.

June 4, 1784.

Chapter 7.

Chap. 7 A GRANT OF THREE HUNDRED AND FORTY-FOUR POUNDS, SEVENTEEN SHILLINGS AND FOUR PENCE, TO THE HON. SAMUEL OSGOOD, ESQ; FOR HIS EXPENDITURES AND ATTENDANCE AS A DELEGATE FOR THIS COMMONWEALTH AT CONGRESS.

On the accounts of the Hon. Samuel Osgood, Esq:

Resolved, That there be paid out of the treasury of this Commonwealth to the Hon. *Samuel Osgood*, Esq; the sum of three hundred and forty-four pounds, seventeen shillings and four pence, in full discharge of his expenditures and attendance, as a delegate for this Commonwealth at Congress, from the twenty-third of *September*, 1783, to the first of *May* last.

June 5, 1784.

Chapter 8.

RESOLVE ON THE PETITION OF OLIVER WOOD, ESQ; REVERSING THE JUDGMENT AND DIRECTING A NEW TRIAL.

Chap. 8

On the petition of Oliver Wood, of Norridgewalk plantation, in the county of Lincoln, Esq; praying that the judgment obtained against him at the Court of Common Pleas held at Pownalborough, in and for the county of Lincoln, for two hundred and fifty pounds, in an action of the case brought against him by one Joshua Chamberlain, of a place called Seven Mile Brook, may be set aside and a new trial ordered thereon, for reasons set forth in his said petition.

Resolved, That the above described judgment be, and hereby is reversed, and declared to be null and void, and that a new trial shall be had on the above described case at the next Court of Common Pleas to be holden at *Pownalborough*, in, and for the county of *Lincoln*, on the last Tuesday of *September* next, and that the Justices of the same Court are hereby empowered and directed to hear and determine the same, in all respects, as they should or ought to do if the same case were regularly depending by continuance in the said Court; and that all execution on the aforementioned judgment be stayed, and that the said *Oliver Wood* serve the said *Joshua Chamberlain*, or his attorney, with an attested copy of this resolve, fourteen days before the sitting of the said Court at *Pownalborough*.

June 5, 1784.

Chapter 9.

REPORT ON THE REPRESENTATION OF COL. JOHN ALLAN, RESPECTING A BELT OF WAMPUM RECEIVED FROM THE INDIANS.

Chap. 9

On a letter from Col. John Allan of the 2d instant:

The committee of both Houses appointed to consider this letter, ask leave to report as their opinion, that as it appears to have been the intention of the Indians, that the *Belt of Wampum* mentioned in the said letter, should be presented to Congress, by their Superintendant, it is not expedient for the General Court to take any further order thereon.

June 7, 1784.

Chapter 10.

- Chap. 10* RESOLVE ON THE PETITION OF JOSHUA HUBBARD, IN BEHALF OF THE TOWN OF KITTERY, ABATING THEM A FINE, FOR NOT SENDING A REPRESENTATIVE.

On the petition of Joshua Hubbard, for, and in behalf of the town of Kittery, praying for the abatement of a fine laid on the said town, for neglecting to send a Representative to the General Court, in the year 1782, for reasons mentioned in the said petition:

Resolved, That the prayer of the said petition be so far granted, that there be allowed and paid out of the treasury of this Commonwealth, to the town of *Kittery*, the sum of thirty-two pounds seven shillings and six pence, it being one half of the fine aforesaid.

June 7, 1784.

Chapter 11.

- Chap. 11* RESOLVE ON THE PETITION OF ELIZABETH SENAH, (INDIAN WOMAN) EMPOWERING JOSIAH STONE, ESQ; AND OTHERS, GUARDIANS, TO SELL THE HOUSE AND LAND MENTIONED.

On the petition of Elizabeth Senah, (Indian woman) praying for liberty to sell a house, and about eleven acres of land lying in Natick, in the county of Middlesex, for reasons set forth in the said petition:

Resolved, That the Hon. *Josiah Stone*, Esq; *Eleazer Kingsbury* and *Joseph Twitchel*, guardians to the *Natick* tribe of Indians, be, and they hereby are empowered to sell the said house and land for the most the same will fetch, and to make and execute in their said capacity, a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, the proceeds of the said sale to be applied to the discharge of the just debts of *Eunice Spywood*, deceased, late owner of the said estate, as mentioned in the said petition, and also of the necessary charges arising by the said sale, and the remainder, if any there be, to be secured for the use of the said *Elizabeth Senah*.

June 7, 1784.

Chapter 12.

RESOLVE ON THE PETITION OF THOMAS CHILDS, ESQ; AGENT ON THE ESTATE OF FRANCIS WALDO, AN ABSENTEE, DIRECTING THE COMMITTEE FOR SALE OF ABSENTEES ESTATES, TO DELIVER HIM A NOTE, AND GRANTING HIM NINE POUNDS TEN SHILLINGS IN FULL.

Chap. 12

On the petition of Thomas Childs, Esq; agent on the estate of Francis Waldo, late of Falmouth, in the county of Cumberland, Esq; an absentee, setting forth that the committee appointed by the General Court, for settling the estates of absentees in the county of Cumberland, to make deeds of such lands to their creditors, did make a deed to him, the said Thomas Childs, of a piece of land belonging to the estate of the said Francis Waldo, valued at Two hundred eight pounds, which was Ten pounds, eleven shillings more than the debt due to the said Thomas Childs, for which sum he gave his note to the committee; that the said agent, on the second of September, 1783, did settle his accounts of agency with the Judge of Probate for the said county, and there was due to him as agent, Twenty pounds, one shilling and ten pence; and praying that his note abovementioned may be given up and the remaining part of the balance be paid him:

Resolved, That the prayer of the petition be granted, and the committee for settling the estates of absentees in the county of Cumberland, are hereby ordered to give up to the said Thomas Childs his note of Ten pounds, eleven shillings; and that Nine pounds, ten shillings and ten pence, be paid to him out of the treasury of this Commonwealth, in full of all his accounts as agent on the said estate of the said Francis Waldo, Esq. June 7, 1784.

Chapter 13.

RESOLVE AUTHORIZING THE JUDGE OF PROBATE FOR THE COUNTY OF MIDDLESEX, TO AUTHORIZE COMMISSIONERS FOR EXAMINING CLAIMS ON ABSENTEES ESTATES IN THE SAID COUNTY, TO EXAMINE THE CLAIMS OF JOSHUA HENSHAW, ESQ; ON THE ESTATE OF JOHN VASSAL, AN ABSENTEE, &c.

Chap. 13

On the petition of Joshua Henshaw, Esq:

Resolved, That the Judge of Probate for the county of Middlesex, be, and he is, hereby authorized and empowered to authorize the commissioners appointed for re-examining the claims upon absentees estates in the said

county to examine the demand of the said *Joshua Henshaw*, and if the said commissioners shall find the said demand to be just and reasonable, to report the same, and upon such report the said Judge of Probate is directed to certify the same to the Governor and Council, who are hereby authorized to grant a warrant on the treasury of this Commonwealth for payment of the same.

June 8, 1784.

Chapter 14.

Chap. 14 RESOLVE ON THE PETITION OF *JONATHAN BRADSHAW*, EMPOWERING THE JUSTICE OF THE SUPREME JUDICIAL COURT TO RECEIVE HIS COMPLAINT AT THEIR NEXT SESSIONS TO BE HOLDEN IN THE COUNTY OF *MIDDLESEX*.

On the petition of Jonathan Bradshaw of Charlestown, in the county of Middlesex, labourer, stating that at a Court of Common Pleas held at Cambridge, within and for the county of Middlesex, on the last Tuesday of November last, he recovered judgment against Nathaniel Prentiss of the said Charlestown, sadler, for the sum of Three pounds seventeen shillings and seven pence lawful money, damage and costs of suit, by default, from which judgment the said Prentiss appealed to the Supreme Judicial Court then next to be holden in the said county; and that the said Bradshaw was prevented entering his complaint against the said Prentiss by accident:

Resolved, That the Justices of the Supreme Judicial Court, be, and hereby are, authorized and empowered, to receive the said complaint of the said *Bradshaw*, at their sessions next to be holden within and for the county of *Middlesex*, and to proceed thereon in the same manner as they might by law have done, if the said *Bradshaw* had entered his complaint in the action aforesaid at their sessions in the said county next after the said last Tuesday of *November*, any law, usage or custom to the contrary notwithstanding.

June 8, 1784.

Chapter 15.

Chap. 15 RESOLVE ON THE PETITION OF *JOSEPH KILBURN* AND OTHERS, EMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF *WORCESTER*, TO AUTHORIZE COMMISSIONERS TO EXAMINE SAID PERSON'S CLAIMS AGAINST THE ESTATE OF *ABEL WILLARD*, AN ABSENTEE.

On the petition of Joseph Kilburn and others, setting forth that they had not sufficient notice of the appointment

of commissioners on the estate of Abel Willard, Esq; of Lancaster, deceased, represented insolvent, and praying that the said commissioners may be directed to receive, examine and allow the claims of the said petitioners, so far as they may appear just:

Resolved, That the Judge of Probate of Wills, and for granting letters of administration, for the county of Worcester, be, and he hereby is, empowered and directed to authorize the said commissioners to receive and examine the claims of the said petitioners on the said estate, in the same manner as if they had been timely presented therefor, and to allow them such further time for that purpose, as he shall judge necessary. *June 8, 1784.*

Chapter 16.

RESOLVE AUTHORIZING THE OVERSEERS OF THE POOR OF THE TOWN OF BOSTON, TO CONTRACT WITH A PHYSICIAN TO ATTEND THE ALMSHOUSE.

Chap. 16

Resolved, That the overseers of the poor of the town of Boston, be a committee to contract with a physician to attend upon, and provide medicines for the space of one year (to be considered as ending the thirteenth day of May, 1785) for such sick persons, being of the poor belonging to this Commonwealth, as now are, or may be in the almshouse in the town of Boston, during the said year; and the said committee are authorized to contract accordingly. *June 8, 1784.*

Chapter 17.

RESOLVE GRANTING ONE HUNDRED AND TWENTY POUNDS TO WILLIAM DREW, ESQ; FOR REPAIRING THE LIGHT HOUSE AT THE GURNET.

Chap. 17

Whereas by a resolve of the General Court, of July last, William Drew, Esq; was appointed to repair and put in order the light house on the Gurnet at the entrance of Plymouth harbour, and to lay his accounts before the General Court, for allowance and payment, but for want of means and money the light house has hitherto been neglected:

Resolved, That there be paid out of the treasury of this Commonwealth to the said William Drew, Esq; One hundred and twenty pounds, out of the light money that is, or may be collected, to enable him to compleat the business of his appointment; and he to be accountable for the same. *June 9, 1784.*

Chapter 18.

Chap. 18 RESOLVE ON THE PETITION OF *PETER CASTAING* AND *WILLIAM EYSSANDEAU*, DIRECTING THE TREASURER TO PAY THE SAID *PETER CASTAING* FOUR NOTES, TO THE AMOUNT OF THREE HUNDRED AND SEVENTY-SIX POUNDS, FIVE SHILLINGS; AND REQUESTING THE GOVERNOR TO CERTIFY THEIR FAITHFUL SERVICES TO THE UNITED STATES.

On the petition of Peter Castaing and William Eyssandeau, Captains in the Massachusetts Line of the late army of the United States, praying for relief in their peculiar circumstances:

Whereas the said Peter Castaing has in his possession four notes, given him by the Treasurer of this Commonwealth, the principals of which taken collectively amount to Three hundred and seventy-six pounds, five shillings:

Resolved, That the Treasurer of the Commonwealth be, and he is hereby directed, to pay to the said *Peter Castaing*, on his delivering the said notes to the Treasurer, the beforementioned sum of Three hundred seventy-six pounds, five shillings, together with the interest which shall be found due on the said notes at the time of their redemption, any resolve, law or custom to the contrary notwithstanding.

June 9, 1784.

Chapter 19.

Chap. 19 RESOLVE REQUESTING THE GOVERNOR TO GIVE CERTIFICATES IN FAVOR OF CAPTAINS *CASTAING* AND *EYSSANDEAU*, EXPRESSING THE SENSE THE LEGISLATURE OF THIS COMMONWEALTH ENTERTAIN OF THEIR SERVICES IN THE LATE WAR.

Resolved, That the Legislature of this Commonwealth entertain a due sense of the faithful services of Captain *Castaing* and Captain *Eyssandeau*, whilst in the service of the United States, in the *Massachusetts Line* of the army; and that his Excellency the Governor be requested to certify the same under the seal of this Commonwealth, in common form.

June 9, 1784.

Chapter 20.

Chap. 20 RESOLVE ON THE PETITION OF *EBENEZER CRAFTS*, ESQ; IN BEHALF OF THE TOWN OF *STURBRIDGE*, GRANTING TO THE SAID TOWN ONE HUNDRED THIRTY-FOUR POUNDS, ELEVEN SHILLINGS, FOR SUPPORTING ONE *JOHN LACE*.

On the petition of Ebenezer Crafts, Esq; in behalf of the town of Sturbridge, praying for a compensation of

the charge and expence the said town hath been at for supporting John Lace, a sick and indigent person, having no legal residence but in the Commonwealth at large, from May, 1780, to the seventeenth of May, 1784.

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth unto the selectmen of *Sturbridge*, the sum of One hundred and thirty-four pounds, eleven shillings, in full for the expence they have been at for the support of *John Lace*, up to the seventeenth day of *May*, A. D. 1784. *June 9, 1784.*

Chapter 21.

RESOLVE APPOINTING A COMMITTEE TO RECEIVE, EXAMINE AND PASS ON ACCOUNTS. *Chap. 21*

Resolved, That *Charles Turner, Seth Washburn, Joseph Hosmer*, Esq's; *Mr. Joseph Bradley Varnum*, and *Ezra Sargent*, Esq; be a committee to receive, examine and pass on all accounts that are now, or may be exhibited, for the support of such indigent persons as are the proper charge of the State, and all other accounts (those only excepted that are or may be committed to a special committee) that shall be exhibited for services performed, cash advanced, or property sold for the use of this Commonwealth, by order of the General Court, or any person or persons authorized to incur such expence, where the same are properly vouched; and that the committee be vested with the same powers, and observe the same rules which were prescribed in a Resolve of the General Court passed the fifteenth day of *March*, one thousand seven hundred and eighty-three, appointing a committee to examine and pass on accounts, provided that the said committee do not sit on the business of their appointment at any time in the recess of the General Court.

June 12, 1784.

Chapter 22.

RESOLVE ON THE PETITION OF *BENJAMIN CONVERS*, OF *CHESTER*, GIVING HIM LEAVE TO ENTER HIS APPEAL FROM THE JUDGMENT GIVEN IN A CERTAIN ACTION, MENTIONED. *Chap. 22*

On the petition of Benjamin Convers, of Chester, in the county of Hampshire, yeoman, praying for a new trial

upon an action brought against him by Jacob Davis, of Charlton, Esq; at a Court of Common Pleas held at Worcester, within and for the county of Worcester, on the first Tuesday in September last:

Resolved, That the petitioner have leave to enter his appeal from the judgment given in the said action by the same Court with the clerk thereof, at the next Court of Common Pleas to be holden at the said *Worcester*, within and for the county aforesaid, the first Tuesday in *September* next; and shall recognize as the Justices of the same Court shall direct to prosecute his appeal at the Supreme Judicial Court, next to be holden within and for the said county, on the last Tuesday of the same *September*, and the petitioner is hereby fully authorized to enter his appeal at the Supreme Judicial Court, and shall then and there have full liberty to plead a plea, and to have a trial upon the same action there in the same way as if he had appealed in the common and ordinary course of law, and the execution which hath issued upon the judgment aforesaid shall have the same force and effect in law, as if the trial so had at the Supreme Judicial Court was on a review of the action, and no other.

June 12, 1784.

Chapter 23.

Chap. 23 RESOLVE ON THE PETITION OF WILLIAM COOKE, DECLARING NULL AND VOID A CERTAIN JUDGMENT, AND DIRECTING THE CLERK OF THE SAID COURT TO BRING FORWARD THE ACTION MENTIONED, THE SAID COOKE TO NOTIFY MR. GABRIEL JOHONNOT.

Upon the petition of William Cooke, praying for a trial on an action brought by Gabriel Johonnot, against him, as set forth in his petition:

Resolved, That the prayer of the said petition be granted, and that the judgment given in the action aforesaid, at the Court of Common Pleas, holden at *Boston*, on the first Tuesday in *January* last, and the execution issued thereon, is declared null and void, and the clerk of the said Court is directed to bring forward the said action, at the Court of Common Pleas to be holden at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *July* next, in the same manner as if the same had been duly continued to that Court; at

which time the parties shall be allowed any new plea, and proceed to trial in the same manner as if no default had been made thereon, and no judgment had been given : said *William Cooke* to notify the said *Gabriel Johonnot*, by leaving with him an attested copy of this resolve, at least fourteen days before the time of the said Court's sitting.

June 14, 1784.

Chapter 24.

RESOLVE GRANTING TO EACH OF THE DELEGATES, REPRESENTING THIS STATE IN CONGRESS, THIRTY-THREE SHILLINGS PER DAY.

Chap. 24

Resolved, That there be allowed to each delegate, who shall hereafter be chosen to represent this Commonwealth in the Congress of the United States, for his service and expences for each day, (Lord's day included,) from the time of his leaving home, until his return, the sum of Thirty-three shillings.

June 14, 1784.

Chapter 25.

RESOLVE ON THE PETITION OF SARAH DANA, GUARDIAN TO ORLANDO HENRY, CALEB AND JAMES DANA.

Chap. 25

On the petition of Sarah Dana, guardian of Orlando Dana, Henry Dana, Caleb Dana and James Dana, setting forth, that George Dana, executor of the last will and testament of Caleb Dana, late of Cambridge, in the county of Middlesex, Esq; deceased, in February, seventeen hundred and seventy-four, obtained leave from the then Superior Court of Judicature, Court of Assize and general goal delivery, to make sale of so much of the said deceased's real estate, for the payment of debts and legacies, as should amount to the sum of six hundred pounds lawful money, and praying that the said George be stayed from proceeding, (for reasons in the said petition mentioned) in the sale of the aforesaid estate, until he the said George, render an account to the Judge of Probate, of the county of Middlesex, aforesaid, of the monies he, the said George, may have received from the proceeds arising from the sales of any part of the real estate of the said deceased, which he may have heretofore made by virtue of the authority given him as aforesaid, and also give bonds to the Judge of Probate aforesaid, for the use of her wards aforesaid,

her children, and the other children of her, the said Sarah, whose estate is made chargeable for the payment of the debts and legacies aforesaid, and subject to sale by the said George, in pursuance of his authority aforesaid, that he, the said George, in case he should, agreeably to the authority aforesaid, make any further sale of the real estate aforesaid, that he will appropriate the monies arising therefrom, solely to the payment of the debts of the deceased, and the legacies by the said deceased in his said last will bequeathed:

Resolved, That the prayer of the said petition be granted, and that the said *George* proceed no further in the sale of the real estate aforesaid, until he render an account to the Judge of Probate aforesaid, for the monies by him received from the sales of any part of the real estate aforesaid, in pursuance of his authority aforesaid, which he may have made heretofore, and also give bonds to the said Judge for the use of the children of the said *Sarah*, with sufficient sureties, that in case he the said *George*, agreeably to the authority aforesaid, should make any further sale of the real estate aforesaid, to appropriate the monies arising therefrom solely to the payment of the debts of the said deceased, and to the discharge of the legacies by the said deceased in his said last will bequeathed.

And be it further Resolved, That the said Judge of Probate be directed and empowered, on application made by the said *George*, or any other person or persons interested in the said will or estate, to cite the said *George* to render an account as aforesaid, and to require of him bonds for the purposes aforesaid, with sureties as aforesaid.

June 14, 1784.

Chapter 26.

Chap. 26 RESOLVE ALLOWING PAY TO THE REV. JOSEPH WILLARD, PRESIDENT OF THE UNIVERSITY AT CAMBRIDGE, THE REV. SAMUEL WILLIAMS AND THE REV. EDWARD WIGGLESWORTH.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Rev. *Joseph Willard*, President of the University at *Cambridge*, the sum of One hundred and five pounds, thirteen shillings and four pence, which together with former grants, is to be in full of his salary until the first day of *January*, A. D. 1784:

To the Rev. *Samuel Williams*, one of the professors of the said University, the sum of Two hundred thirty-two pounds, ten shillings, in full for his services to the period aforesaid: and

To the Rev. *Edward Wigglesworth*, one of the said professors, the sum of Two hundred thirty-three pounds, seven shillings and eight pence, in full to the same period.

June 15, 1784.

Chapter 27.

RESOLVE ON THE MEMORIAL OF THE HON. *JOHN BACON*, IN BEHALF OF THE TOWN OF *STOCKBRIDGE*, DIRECTING THE TREASURER TO RECALL HIS EXECUTION, RELATIVE TO BEEF.

Chap. 27

On the memorial of the Hon. John Bacon, Esq; in behalf of the town of Stockbridge, praying, for reasons set forth in the said memorial, that the execution issued against the said town for beef required of them by a resolve of the General Court, of the fourth of December, 1780, may be recalled without cost to the said town:

Whereas it appears to this Court, by the certificates of the superintendant, lodged in the Secretary's office, that the said town did seasonably comply with the said resolve:

It is therefore *Resolved*, That the prayer of the said memorial be granted, and that the Treasurer be directed to recall the said execution, and that the cost attending the same be defrayed out of the treasury of this Commonwealth: any defect as to the form of the said certificate, notwithstanding.

June 15, 1784.

Chapter 28.

RESOLVE ON THE PETITION OF *HANNAH THOMAS*, GRANTING HER A BARRACK ON HER LAND, AT THE *GURNET*, AS HER PROPERTY.

Chap. 28

On the petition of Mrs. Hannah Thomas, praying that the barrack on her land, at the Gurnet, may be given to her for the damages done to her house, fences, &c. while a garrison was kept at that place:

Resolved, That the prayer of the petition be granted, and that she the said *Hannah Thomas* be entitled to the barrack on her land at the *Gurnet*, as her own property, which shall be in full for what damages she has sustained.

June 15, 1784.

Chapter 29.

Chap. 29 RESOLVE REMITTING A FINE TO THE TOWN OF SCARBOROUGH,
FOR NOT SENDING A REPRESENTATIVE IN THE YEAR 1782.

On the petition of the town of Scarborough, by William Thompson, Esq; their Representative, praying, for reasons set forth in their petition, to be abated a fine set upon them in the year 1783, for not sending a Representative in the year 1782 :

Resolved, That the prayer of the said petition be granted, and the Treasurer of this Commonwealth is hereby authorized and directed, to credit the said town of *Scarborough*, the sum of Thirty-seven pounds, three shillings and four pence, on the last State tax, granted in the year 1783, that sum being the amount of the fine laid upon the said town of *Scarborough*, for not sending a Representative in the year 1782, any law or resolve to the contrary notwithstanding.

June 16, 1784.

Chapter 30.

Chap. 30 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN
OF LEOMINSTER, EMPOWERING THEM TO CALL A MEETING
FOR THE CHOICE OF A CONSTABLE OR COLLECTOR.

On the petition of the Selectmen of the town of Leominster; praying that they may be empowered to call a meeting of the said town, to chuse a Constable in the room of one excused by the said town :

Resolved, That the prayer of the said petition be granted and that the Selectmen of the town of *Leominster*, be, and they are, hereby empowered, forthwith to call a meeting of the inhabitants of the said town, qualified according to law, to vote in the choice of town officers, who when convened, are hereby authorized and empowered to make choice of a suitable person to serve as a Constable and Collector of taxes for the said town, and the person so chosen, shall be subjected to the same fine for refusal, and when sworn, shall have the same powers that by law are given to constables and collectors, the month of *March* being elapsed, any law or custom to the contrary notwithstanding.

June 17, 1784.

Chapter 31.

ORDER ON THE PETITION OF THE REPRESENTATIVES OF THE
SEVERAL TOWNS IN *DUKES COUNTY*, RELATIVE TO SUS- Chap. 31
PENDING EXECUTIONS FOR TAXES.

On the petition of the Representatives of the several towns in Dukes County :

Ordered, That the subject matter of the said petition, be referred to the next session of the General Court, and that the Treasurer of the Commonwealth, be directed in the mean time to suspend executions against the inhabitants of the several towns in the county of *Dukes County*, for taxes granted from the year 1778, to the year 1782, inclusive, and for the fines assessed on the said towns for not raising their quota of men for the year 1783, and also for the tax assessed on the town of *Edgartown*, for the year 1777.

June 19, 1784.

Chapter 32.

RESOLVE ON THE MEMORIAL OF *JOHN WHITE*, GRANTING HIM Chap. 32
SEVEN POUNDS TEN SHILLINGS, FOR EXPENCE ATTENDING
HIS SON'S SICKNESS.

On the memorial of John White :

*Whereas John White, jun. son of John White of San-
ford, in the county of York, was in the year 1780, a soldier
in the service of this Commonwealth, and stationed at Fal-
mouth, in the county of Cumberland, where there was no
hospital provided for the sick, who was sent home to his
father by the direction of the commanding officer, who pro-
vided for his said son during his sickness: Therefore,*

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth to the said *John White*, senior, Seven pounds ten shillings, in full for all expence attending his said son in his sickness as afore-
said.

June 21, 1784.

Chapter 33.

RESOLVE GRANTING EIGHTEEN THOUSAND FOUR HUNDRED
AND EIGHTY-ONE POUNDS, TEN SHILLINGS AND ELEVEN Chap. 33
PENCE, TO *JABEZ HATCH*, ESQ; LATE DEPUTY QUARTER-
MASTER GENERAL, TO PAY SUNDRY PERSONS FOR PROCUR-
ING OX TEAMS, &c. FOR THE TRANSPORTATION OF STORES
TO THE ARMY IN 1781.

Resolved, That there be paid out of the second moiety of the Continental tax, to *Jabez Hatch*, Esq; late Deputy

Quarter Master General, the sum of Eighteen thousand four hundred and eighty-one pounds, ten shillings and eleven pence, to be by him paid to the several persons mentioned in the annexed account, each one his proportion thereof, in full discharge of the monies due to them as contractors in this Commonwealth, for ox teams and conductors, employed in the campaign of 1784; the afore-said sum being for Fifty-three thousand six hundred and eighty-three dollars and forty-four ninetieths of a dollar, and the interest thereof from the first day of *January*, 1782, to this time; and that the same sum be charged to the United States, as part of this State's quota, which may be required by Congress for the year 1785:

	Dollars.	90ths.
SAMUEL BUCK,	8465	2
JOHN DUNSMORE,	6675	13
JOSEPH MCCLINTOCK,	6011	43
HEZEKIAH METCALF,	2344	75
JOHN HALL,	6375	00
SOLOMON KIMBALL,	6556	7
JOSEPH OSGOOD,	3503	61
MARK PACKARD,	7752	23
JEREMIAH BATTLES,	6000	00
	53,683	44
	<i>June 22, 1784.</i>	

Chapter 34.

Chap. 34 RESOLVE EMPOWERING THE COMMITTEE FOR THE SALE OF CERTAIN STRIPS AND GORES OF UNAPPROPRIATED LAND, IN THE COUNTY OF YORK, TO DISPOSE OF THE LANDS MENTIONED.

On the petition of sundry persons, praying that they may, for certain considerations, be quieted in the possession of certain lands advertized for sale, by a committee of the General Court; and also on the representation of the said committee, praying for instructions relative to the sale of them:

Resolved, That the Committee for the sale of certain strips and gores of unappropriated land in the county of York, appointed *March 20, 1784*, be, and they are, hereby directed and empowered to dispose of the lands mentioned in the commission, either by private sale, or at public auction, attending to the circumstances under which any of the said lands may lie.

June 23, 1784.

Chapter 35.

RESOLVE DIRECTING THE COMMITTEE FOR METHODIZING PUBLIC ACCOUNTS, TO PROCEED IN THE SETTLEMENT OF THE COMMITTEES ON ABSENTEES ESTATES, AND DIRECTING A RETURN TO BE MADE TO THEM FROM JUDGES AND REGISTERS OF PROBATE, &c. Chap. 35

Whereas by a resolve of the sixteenth of March last, the Committees for the sale of absentees estates in the several counties of this Commonwealth, were directed to make a return into the Secretary's office, of their doings by the tenth instant; and whereas it now appears that the Committee for stating and methodizing the public accounts, have called upon all the said committees to settle their accounts with them, agreeable to two former resolves of June the twenty-ninth, 1782, and June the fifth, 1783, in consequence of which, several of the said committees have applied and settled their accounts, and others stand ready to do it:

Therefore, Resolved, That the said Committee for stating and methodizing public accounts, be, and they hereby are directed to proceed in the said settlement, and bring to a close, the accounts with the said Committees on Absentees Estates, agreeable to the said two resolves of the twenty-ninth of *June*, 1782, and the fifth of *June*, 1783, any thing in the said resolve of the sixteenth of *March* last, notwithstanding.

And it is further Resolved, That the Judges and Registers of Probate, in the several counties in this Commonwealth, proceed and make return of their doings in every respect agreeable to the said resolve of the sixteenth of *March*, 1784, excepting that they make it to the said committee, instead of returning it into the Secretary's office, and that the same be done on or before the first day of *September* next, instead of the time mentioned in the said resolve; and the said committee for stating public accounts, are hereby directed to lay the whole of their proceedings relative to the said committees, &c. before the General Court the first week in their next session.

And it is further Resolved, That the Secretary be, and he is, hereby directed to deliver to the Committee for stating and methodizing the public accounts, all such returns as may have been made into his office by the several

Judges of Probate, and Committees for the sale of Absentees Estates, in consequence of the said resolve of the sixteenth of *March* last.

Ordered, That the Secretary immediately publish the foregoing resolve in the Independent Chronicle, published in Boston by Adams and Nourse, and in the Salem, Springfield and Worcester newspapers.

June 23, 1784.

Chapter 36.

Chap. 36

PLAN OF THE SCHEDULE FOR VALUATION.

A list of the polls and of the estates real and personal of the several proprietors and inhabitants of the town of _____ in the county of _____ taken pursuant to an act of the General Court of the Commonwealth of *Massachusetts*, entitled “An Act for enquiring into the rateable estate of this Commonwealth,” passed in the year of our LORD one thousand seven hundred and eighty-four, by the subscribers, assessors of the said town, duly elected and sworn.

No. Polls rateable.

No. Polls not rateable supported by the town.

No. Polls not rateable, not supported by the town.

No. Dwelling Houses.

No. Shops separate from, or adjoining to other buildings.

No. Tan Houses, slaughter houses, and other working houses.

No. Distill and sugar houses.

No. Ropewalks.

No. Pot and pearl ash works.

No. Warehouses.

No. Barns.

No. Grist, saw, fulling and slitting mills.

No. All other mills.

No. Iron works and furnaces.

No. All other buildings and edifices of the value of five pounds and upwards.

No. Superficial feet of wharf.

No. Acres of tillage land.

No. Acres of English and upland mowing.

No. Acres of fresh meadow.

No. Acres of salt marsh.

No. Acres of pasturage.

No. Barrels of cyder, which can be annually made upon the whole farm.

No. Acres of wood land.

No. Acres other unimproved land.

No. Acres of land unimproveable.

No. Tons of vessels, and small craft of five tons burthen and upwards, at home or abroad, to be given in carpenter's tonnage. An account of every person's whole stock in trade, goods, wares and merchandize, at home or abroad, paid for or not paid for. Factorage, or the value of commissions on merchandize annually.

No. Horses and mares, three years old and upwards.

No. Colts two years old.

No. Colts one year old.

No. Oxen four years old and upwards.

No. Neat cattle three years old.

No. Neat cattle two years old.

No. Neat cattle one year old.

No. Cows four years old and upwards.

No. Sheep and Goats six months old and upwards.

No. Swine six months old and upwards.

No. Ounces of silver plate.

Debts due to any person on interest or not on interest, except government securities and continental loan office certificates, more than they are indebted.

Monies on hand.

June 23, 1784.

Chapter 37.

RESOLVE ON THE PETITION OF JOHN TRACY, GRANTING HIM ONE THOUSAND SIX HUNDRED POUNDS, IN FULL FOR HIS ACCOUNT, FOR THE USE OF THE BRIGANTINE PALLAS, ON THE PENOBSCOT EXPEDITION. Chap. 37

On the petition of John Tracy, praying that he may be allowed his account for the use of his vessel, and for ship stores expended in the expedition at Penobscot :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to John Tracy, Esq; (in Treasurer's notes, bearing date the first of January, 1781) the sum of One thousand six hundred pounds, in full of his account for the use of the said vessel and ship stores expended in the said expedition.

June 23, 1784.

Chapter 38.

Chap. 38 RESOLVE ALLOWING INTEREST ON THE NOTE MENTIONED IN A RESOLUTION OF COURT PASSED YESTERDAY, IN FAVOR OF JOHN TRACY, ESQ.

Resolved, That the note which by a resolution of the General Court passed yesterday, was directed to be made to *John Tracy, Esq*; for the sum of One thousand six hundred pounds, to bear date the first of *January*, 1781, shall be on interest from that time and issued as the consolidated notes of this Commonwealth. *June 24, 1784.*

Chapter 39.

Chap. 39 RESOLVE GRANTING TO EZRA LUNT EIGHT HUNDRED AND TWENTY-SEVEN POUNDS, SEVEN SHILLINGS AND NINE PENCE, TO HIM AND TO HIS ASSISTANTS, AS COMMISSARY OF SMALL STORES AND CLOTHIER IN THE CONTINENTAL ARMY.

On the report of the committee for stating the accounts of this Commonwealth, setting forth that they have examined and adjusted the accounts of Ezra Lunt, late Commissary of small stores and State clothier in the continental army, and that there is due to the said Ezra Lunt, the sum of Eight hundred and twenty-seven pounds, seventeen shillings and nine pence:

Resolved, That there be paid out of the treasury of this Commonwealth, to *Ezra Lunt*, the sum of Eight hundred and twenty-seven pounds, seventeen shillings and nine pence, in full for his and his assistants wages, and all expences as Commissary of small stores and Clothier in the Continental Army, for this Commonwealth; and the Treasurer is hereby directed to pay the above sum as follows, *viz.*: Two hundred and seventy-five pounds, seventeen shillings and nine pence, in specie, and the sum of Five hundred fifty-two pounds, in government securities; the said securities to bear date *July* fourteenth, 1782, the time when the said *Lunt* was discharged from the service.

June 24, 1784.

Chapter 40.

Chap. 40 RESOLVE ENTITLING SOLOMON PARSONS, JUN. TO HALF PAY AS A SOLDIER.

On the representation of John Lucas, Esq; Commissary of pensioners, in behalf of Solomon Parsons, jun.

a soldier who was wounded in the service of the United States :

Resolved, That the said *Solomon Parsons, jun.* be entitled to one half part of pay as a soldier, from the first day of *January*, one thousand seven hundred and eighty-one, till the further order of the General Court or Congress.

June 24, 1784.

Chapter 41.

RESOLVE ON THE PETITION OF *LEVI RAWSON*, DIRECTING HIM TO SERVE *JABEZ METCALF*, WITH A COPY OF HIS PETITION, AND RESOLVE THEREON, THAT HE MAY SHEW CAUSE, &c.

Chap. 41

On the petition of Levi Rawson, setting forth, that at the Court of Common Pleas, for the county of Suffolk, on the third Tuesday of April last, Jabez Metcalf recovered judgment against the petitioner for the sum of Two hundred and seventy-nine pounds, and cost; and that he had not notice of the suit in due form of law :

Therefore Resolved, That the said *Levi* serve the said *Jabez*, with an attested copy of his petition and this order thereon, fourteen days before the second Wednesday of the next session of this Court, that he may then shew cause (if any he has) why the prayer of the said petition should not be granted; and in the mean time it is hereby ordered that execution be stayed.

June 25, 1784.

Chapter 42.

RESOLVE DIRECTING THE TREASURER TO CONTINUE CONSOLIDATING GOVERNMENT SECURITIES.

Chap. 42

Whereas the time limited by a resolve of the General Court, of the twenty-sixth of February last, for consolidating government securities, is now expired, and it being represented to this Court that a considerable number of such securities remain yet unconsolidated :

It is Resolved, That the Treasurer be, and he is, hereby authorized and directed to continue the business of consolidating government securities, until the first day of *October* next, on the same terms as heretofore provided.

June 25, 1784.

Chapter 43.

Chap. 43 RESOLVE ON THE PETITION OF JOHN BACON, ESQ; IN BEHALF OF ELISHA MARTINDALE AND OTHERS, RESPECTING A RESOLVE PASSED FEBRUARY THE TENTH, 1783; AND EMPOWERING ASHBEL STRONG, AND OTHERS, TO EXECUTE A DEED OF SALE OF THE LAND MENTIONED.

On the petition of John Bacon, in behalf of Elisha Martindale, of Lee, in the county of Berkshire, setting forth that in a resolve of the General Court, of February the tenth, 1783, on the petition of the said Elisha Martindale, there is a mere clerical mistake, as to the quantity of land mentioned in the said resolve, and praying that the said mistake may be rectified, which representation appearing to this Court to be true:

Resolved, That the resolve aforesaid be, and hereby is repealed, and that Ashbel Strong and Henry Williams Dwight, administrators on the estate of Thomas Williams, late of Stockbridge, Esq; deceased, be, and hereby are, authorized and empowered to make and execute a good and lawful deed of sale, unto the said Elisha Martindale, of a certain tract of land, in the town of Lee, containing two hundred and twenty acres, belonging to the estate of the aforesaid Thomas Williams, deceased, he the said Elisha, first paying to the aforesaid administrators, the sum of Four hundred and eighty pounds, with interest agreeable to contract, including such sum or sums of money as the said Elisha shall make appear to the said administrators that he paid to the said Thomas Williams, before his decease, being in part pay for the aforesaid tract of land; and the aforesaid administrators shall account with the Judge of Probate for the county of Berkshire, for the disposal of the money they shall receive by virtue of this resolve. *June 28, 1784.*

Chapter 44.

Chap. 44 RESOLVE ON THE PETITION OF COL. JOHN ALLAN, DIRECTING THE COMMITTEE FOR METHODIZING PUBLIC ACCOUNTS, TO SETTLE THE ACCOUNTS MENTIONED IN HIS PETITION.

On the petition of John Allan, Superintendant of Indians in the eastern department, praying for a settlement of his accounts:

Ordered, That the accounts mentioned in the said petition, be referred to the committee appointed for methodizing and stating public accounts, who are hereby

authorized and empowered to settle the said accounts with Col. *John Allan*, agreeable to justice, and charge the same to the United States.

June 28, 1784.

Chapter 45.

RESOLVE FOR BONDS TO BE GIVEN BY THE TREASURER AND THE COMMISSARY GENERAL OF THIS COMMONWEALTH, WITH DIRECTIONS TO THE SECRETARY TO MAKE OUT THE BONDS, FOR THE APPROBATION OF THE GENERAL COURT. Chap. 45

Resolved, That *Thomas Ivers*, Esq; Treasurer, give bond to this Commonwealth, in the sum of Thirty thousand pounds, with sufficient sureties for the faithful discharge of his said trust.

And that *Richard Devens*, Esq; Commissary General, give bond to this Commonwealth, in the sum of Eight thousand pounds, with sufficient sureties, for the faithful discharge of his said trust; and that the Secretary prepare said bonds, and lay them before the General Court for their approbation.

June 28, 1784.

Chapter 46.

RESOLVE ON THE PETITION OF *EPHRAIM FAIRBANKS*, ESQ; IN BEHALF OF THE TOWN OF *BOLTON*, EMPOWERING THE ASSESSORS OF THE SAID TOWN TO COMMIT TO *JOEL FOSGATE*, THE BILLS MENTIONED. Chap. 46

On the petition of Ephraim Fairbanks, Esq; of the district of Berlin, lately set off from the town of Bolton, setting forth that some matters of difficulty have arisen respecting the collection of taxes, assessed before the division of the said town of Bolton, not committed to collectors before the said division, and praying that the assessors of Bolton may be authorized to commit the bills containing the taxes legally assessed on the inhabitants of the said Berlin, before the said division, to Joel Fosgate, of the said Berlin, by them legally chosen constable and collector for the said district, at their first legal meeting for chusing officers for the said district; and that the said Fosgate may be authorized to collect the said taxes, and a reasonable time allowed for the said collection:

Resolved, That the prayer of the petition be granted, and that the assessors of the town of *Bolton* be, and they are, hereby authorized and empowered, to commit unto *Joel Fosgate*, legally chosen constable for the district of *Berlin*, the bills mentioned in the said

petition, containing taxes legally assessed on the inhabitants of the said district of *Berlin*, before the division of the said town of *Bolton*, with a warrant to collect and to pay unto the Treasurer of the town of *Bolton*, such of the aforementioned taxes as were properly town taxes, and the said assessors are directed to transmit such of them as were for the second moiety of the Continental Tax, to the Treasurer of this Commonwealth; and the said *Joel Fosgate* is hereby empowered and directed to receive the said bill, to collect the taxes due thereon, and pay them accordingly; governing himself according to the laws of this Commonwealth, respecting the collection of taxes.

June 29, 1784.

Chapter 48.*

Chap. 48 RESOLVE ON THE PETITION OF *HENRY KNOX*, ESQ; DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF *SUFFOLK*, TO GRANT HIM A LETTER OF AGENCY ON THE ESTATE OF THE LATE *THOMAS FLUCKER*, ESQ; TO THE SAID *HENRY KNOX*, ESQ; HE GIVING BONDS SUFFICIENT TO THE SAID JUDGE.

On the petition of Henry Knox, Esq:

Resolved, That the Judge of Probate for the county of *Suffolk*, be, and he hereby is, directed to grant a letter of agency on the estate of the late *Thomas Flucker*, Esq; to *Henry Knox*, Esq; he giving bond with sufficient sureties to the said Judge, to account for the same estate, and to pay what remains of the same (after the just debts and legal charges thereof are satisfied) into the public treasury; and the said *Henry Knox* is empowered and directed to proceed in the settlement of the said estate, and the payment of the debts due therefrom, according to the direction of the law respecting administrators.

Provided nevertheless, That *Joseph Pearce*, the present agent, notwithstanding his being superseded by the appointment of the said *Henry Knox*, as aforesaid, shall be held to account for all such parts of the said estate, as he has administered.

June 28, 1784.

Chapter 49.

Chap. 49 A GRANT OF TWO HUNDRED POUNDS TO EACH OF THE DELEGATES ELECTED TO REPRESENT THIS STATE IN CONGRESS.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each of the delegates, who are or may be appointed to represent this State in

* There is no chapter numbered 47 in the Session Pamphlet.

Congress, the year ensuing, and who shall proceed to Congress for said purpose, the sum of Two hundred pounds, they to be accountable for the sums they shall respectively receive, to be deducted from the allowance made them for their service.

June 29, 1784.

Chapter 50.

RESOLVE ON THE PETITION OF BENJAMIN CONVERS OF CHESTER, GIVING HIM LEAVE TO ENTER HIS APPEAL MENTIONED, AT THE NEXT COURT OF COMMON PLEAS AT WORCESTER.

Chap. 50

Upon the petition of Benjamin Convers of Chester, in the county of Hampshire, yeoman, praying for a new trial upon an action brought against him by Jacob Davis of Charlton, Esq; at a Court of Common Pleas held at Worcester, within and for the county of Worcester, on the first Tuesday in September last:

Resolved, That the petitioner have leave to enter his appeal from the said judgment given in the action aforesaid by the said Court, with the clerk thereof, at the next Court of Common Pleas to be holden at said Worcester, within and for the county aforesaid, on the first Tuesday in September next, and shall recognize as the Justices of the same Court shall direct, to prosecute his appeal at the Supreme Judicial Court, next to be holden at Worcester, within and for the county aforesaid, on the third Tuesday in September next, and the said petitioner is hereby fully authorized to enter his appeal at the same Supreme Judicial Court, and shall then and there have full liberty to plead, and have a trial upon the same action, in the same manner as if the same appeal had been in the common and ordinary course of law, and the execution which hath been issued upon the same judgment aforesaid, shall have the same force and effect, as if the trial so had at the Supreme Judicial Court, was on a review of the action, and no other.

June 29, 1784.

Chapter 51.

RESOLVE GRANTING SEVEN THOUSAND SEVEN HUNDRED AND TWENTY-ONE POUNDS, EIGHTEEN SHILLINGS AND SEVEN PENCE, TO MR. JOSEPH RUGGLES, ON THE ORDER OF CONGRESS IN FAVOUR OF JEREMIAH WADSWORTH, ESQ; DATED THE 15TH OF APRIL, 1780, OUT OF THE TAX GRANTED IN OCTOBER, 1781.

Chap. 51

Whereas the sum of Seven thousand seven hundred and twenty-one pounds, eighteen shillings and seven pence, is

due to Joseph Ruggles, and others, for supplies of provisions for the use of the army of the United States, which was to have been paid on an order of Congress in favor of Jeremiah Wadsworth, Esq; dated the fifteenth day of April, 1780, for One million nine hundred thousand dollars; and whereas by a resolve of the General Court of the eighth day of March last past, it was resolved that the said sum now due as aforesaid, should be paid from the proceeds of the tax then next to be granted, and as the so deferring the payment thereof will greatly distress those to whom the same is due, and it now appearing to this Court that part of the tax granted in October, 1781, was appropriated for the payment thereof:

Therefore Resolved, That the said sum of Seven thousand seven hundred and twenty-one pounds, eighteen shillings and seven pence, shall be paid out of the treasury of this Commonwealth on the said order, out of the said tax granted in October, 1781, or any subsequent State tax, at such periods as the circumstances of the treasury will admit; the said resolve of the eighth day of March last past, notwithstanding.

June 30, 1784.

Chapter 52.

Chap. 52 RESOLVE ENTITLING CAPT. SAMUEL CLARK, TO ONE EIGHTH PART OF PAY AS A CAPTAIN.

On the representation of John Lucas, Esq; Commissary of pensioners, in behalf of Captain Samuel Clark, who was wounded in the service of the United States:

Resolved, That the said Samuel Clark, be entitled to one eighth part of pay as a Captain, from the seventeenth day of November, one thousand seven hundred and eighty-one, till the further order of the General Court or Congress.

June 30, 1784.

Chapter 53.

Chap. 53 RESOLVE DIRECTING THE SECRETARY TO FURNISH AGENTS APPOINTED TO PROSECUTE THE CLAIMS OF THIS COMMONWEALTH TO LANDS WEST OF HUDSON'S RIVER, WITH COPIES OF RECORDS AND PAPERS, &c. AND A GRANT TO THE SAID AGENTS, TO ACCOMPLISH THE SAID BUSINESS, OF FIVE HUNDRED POUNDS.

Resolved, That the Secretary of this Commonwealth, be, and he hereby is, directed to furnish the agents who

may be appointed to prosecute the claim of this Commonwealth to certain lands mentioned and described in the petition of the General Court, of the twenty-seventh day of *May* last, respectively, with authentic copies of such records and papers as they shall think necessary in the prosecution of their agency. And the Secretary is also directed to transmit to the Secretary of Congress, a certificate that this legislature hath received the act of Congress, of the third day of *June* current, on their petition aforesaid.

Resolved, That there be allowed and paid out of the public treasury, to the said agents, the sum of Five hundred pounds, they to be accountable for the expenditure thereof in the prosecution of their said agency.

July 1, 1784.

Chapter 54.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE
GENERAL COURT. *Chap. 54*

Resolved, That there be paid out of the treasury of this Commonwealth, the sum of eight shillings to each member of the Hon. Council, and the sum of seven shillings and six pence, to each member of the Honorable Senate, and the sum of seven shillings to each member of the House of Representatives, for each day they have attended the Council or General Court, the present session, also the further sum of one day's pay for every ten miles distance each member lives from this place.

July 1, 1784.

Chapter 55.

RESOLVE CONSTITUTING THE DELEGATES WHO SHALL ACTUALLY REPRESENT THIS COMMONWEALTH IN CONGRESS, ON THE FIRST DAY OF *DECEMBER* NEXT, LAWFUL AGENTS OF THIS STATE, WITH SUCH AGENTS AS SHALL BE APPOINTED IN BEHALF OF *NEW YORK*, TO DETERMINE THE CLAIMS TO LANDS WEST OF *HUDSON'S RIVER*. *Chap. 55*

Whereas the legislature of this Commonwealth, by their petition to Congress on the twenty-seventh day of May, 1784, last past, alledged that certain lands to which the State of New York set up a claim, was the just and proper right of this Commonwealth, and Congress having given notice thereof to the said State and appointed the first

Monday of December next, to proceed in the premises as by the articles of confederation and perpetual union is directed :

Resolved, That the delegates who shall actually represent this Commonwealth in Congress on the first day of *December* next, or the major part of them, are hereby constituted the lawful agents of this State, and are authorized and empowered, with such agent or agents as may be empowered therefor on the part and behalf of the State of *New York*, to appoint by joint consent, Commissioners or Judges to constitute a Court for hearing and determining the claims of the same State and of this Commonwealth to the lands mentioned and described in the petition aforesaid ; and in case the said State of *New York* shall neglect to attend by their agent or agents, at the said time appointed therefor by Congress ; or if attending, the agent or agents of the said State and the said delegates hereby appointed the agents of this Commonwealth, cannot agree to appoint by joint consent Commissioners or Judges for the purpose aforesaid, then the said delegates, or the major part of them, are hereby authorized and empowered, on the part of this Commonwealth, to do and transact all matters and things whatsoever by the said articles of confederation and perpetual union necessary to be done and transacted, to the appointment of Commissioners and Judges for the purpose aforesaid.

Resolved, That there shall be appointed by joint ballot of the two Houses, three gentlemen, the duty and business of whom, or any two of them, it shall be, carefully to collect the evidence of the title of this Commonwealth to the lands mentioned and described in their petition to Congress, to part of which the State of *New York* have set up a claim, to appear before any Commissioners or Judges who may be appointed a Court to determine on the claim of the said State and of this Commonwealth, to the land aforesaid, and to prosecute the suit by the said petition instituted, to a final determination.

July 2, 1784.

Chapter 56.

Chap. 56 RESOLVE ON THE PETITION OF ORANDO SEARJEANT, IN BEHALF OF THE TOWN OF ALMSBURY, ABATING THE FINE LAID ON THE SAID TOWN.

On the petition of Orando Searjeant in behalf of the town of Almsbury, praying that the fine of Forty-six

pounds, fourteen shillings and two pence, laid on the said town for not sending a representative the last year, may be abated, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition be so far granted, as that the town of *Almsbury* be abated the sum of Twenty-three pounds, seven shillings and one penny of the said fine ; and the Treasurer of this Commonwealth is hereby directed and empowered to credit the said town in the last State tax accordingly.

July 2, 1784.

Chapter 57.

RESOLVE APPOINTING EBENEZER BRIDGE AND NATHAN DANE, ESQ'RS; COMMISSIONERS TO SETTLE THE BOUNDARIES OF LANDS AND POSSESSIONS, BEGINNING AT THE HEAD OF THE TIDE ON *PENOBSCOT RIVER*; AND TO CONFER WITH THE INDIANS RELATIVE TO THE RELINQUISHMENT OF ANY CLAIMS, &c.

Chap. 57

Whereas the Provincial Congress, of the then Province, now Commonwealth of Massachusetts, on the twenty-first of June, 1775, on application made to them by the Indians of the Penobscot tribe, did (as will appear by the records of the said Provincial Congress) strictly forbid any person or persons whatsoever, from trespassing or making waste upon any of the lands and territories or possessions, beginning at the head of the tide on Penobscot River, extending six miles on each side of the said River, then claimed by the said Indians: and whereas the boundaries of the lands and possessions claimed by them are uncertain; and it being expedient that the extent of the said lands should be ascertained, and that a quantity of lands proportioned to the number of the said Indians should be confirmed to them:

It is therefore Resolved, That *Ebenezer Bridge* and *Nathan Dane*, Esq'rs. be, and they are, hereby appointed commissioners, with full power to treat with the said Indians on the subject beforementioned, to settle the boundaries of such lands as shall be agreed upon to be confirmed to them, and to confer with the said Indians relative to the relinquishment of any claims or privileges they may suppose themselves entitled to in any lands, by the doings of the said Provincial Congress, or otherwise; and to agree upon a consideration to be allowed them therefor; and the said commissioners are hereby directed to proceed upon the aforesaid business as soon as may be, and to make report of their doings herein to the General Court, at their next session.

July 2, 1784.

Chapter 58.

Chap. 58 RESOLVE DIRECTING CONFISCATED LANDS TO BE SOLD BY AUCTION, FOR PUBLIC SECURITIES.

Whereas it appears that there are several parcels of land lying in the different counties in this Commonwealth, and confiscated to the use of this government, by retaining the property of which, no considerable rise of the same can be reasonably expected and the settlement of the same is thereby prevented: Therefore

Resolved, That the several committees for the sale of absentees estates within this Commonwealth, those of the counties of York, Cumberland and Lincoln only excepted, be, and they are, hereby authorized and directed, as soon as may be, to make sale at public auction of all the lands confiscated to the use of this Commonwealth, within their several districts, for the consolidated securities of this government, and pay the same as speedily as may be into the treasury of this Commonwealth. Provided always, that in all instances where the said estates have been duly certified as insolvent, that the said committees be, and they hereby are, directed to sell the same for gold and silver, or legal certificates of the distributive sum on any allowed claims, and in all instances where bonds were given by the former owners for titles, upon complying with the conditions of the same, or entries on the same were made, and cultivation thereof begun, previous to the confiscation thereof, the said committees are hereby directed to proceed with respect to the same in manner as provided by the act originally appointing the said committees; and the said committees are hereby enjoined to proceed on and compleat the business aforesaid, with all such dispatch as is consistent with the public interest, and to settle their accounts of the same with the committee for methodizing and stating the public accounts.

July 2, 1784.

Chapter 59.

Chap. 59 RESOLVE ON THE PETITION OF NATHANIEL LEONARD, LATE MUSTER MASTER IN THE COUNTY OF BRISTOL, DIRECTING THE SHERIFF OF THE SAID COUNTY TO RECEIVE A CERTAIN SUM OF MONEY IN CONTINENTAL BILLS, AND DISCHARGE HIM FROM THE EXECUTION MENTIONED.

On the petition of Nathaniel Leonard, Esq; late Muster Master for the county of Bristol, praying for relief respect-

ing an action commenced against him by the Treasurer, for a balance in his hands of the money he received to pay bounties:

Whereas it appears to this Court, that the said Leonard did offer the said balance to the Treasurer, agreeable to the orders of the General Court, as set forth in the said Leonard's declaration:

Therefore Resolved, That the Sheriff of the county of Bristol, be, and he is hereby directed, to receive of the said Nathaniel Leonard, the sum of Sixty-seven pounds, seventeen shillings and six pence, in consolidated securities of this government, and discharge him from the execution for the said sum, the said Leonard paying costs of suit; and the Treasurer of this Commonwealth is hereby directed to receive the said consolidated securities from the Sheriff aforesaid.

July 2, 1784.

Chapter 60.

RESOLVE FOR COMMEMORATING THE ANNIVERSARY OF AMERICAN INDEPENDENCE. *Chap. 60*

Whereas on the fourth day of July, A. D. 1776, the United States of America, were delivered from a low and humiliating dependence on a foreign power, and by the directing hand of Providence, assumed a station among the nations of the earth, and became a sovereign and independent people, which day will be forever marked as the era when their political existence commenced:

Resolved, That the Legislature of this Commonwealth will, on Monday next, at ten o'clock in the forenoon, celebrate the anniversary of the Independence of the United States, and repair to some suitable place for public worship, and there in a solemn manner render thanks to Almighty God, for the signal and unmerited interposition of his Providence, in bringing to pass this great event, in supporting these States through a cruel and bloody war, in establishing them in peace and continuing to bestow his innumerable blessings upon them; and also humbly to implore that he would fit us to receive the divine favor and benediction on all our national affairs.

Resolved, That his Excellency the Governor, his Honor the Lieutenant Governor and the Honorable Council, be requested to attend on this occasion; and that his Excellency be desired to direct demonstrations of joy by the

discharge of cannon and such other military parade as he may judge proper; and that the Chaplain of the General Court officiate in the religious exercise of the said day.

July 1, 1784.

Chapter 61.

Chap. 61 RESOLVE ON THE PETITION OF *NICHOLAS BARTLETT*, THAT THE SAID *NICHOLAS* NOTIFY *JOTHAM LORING OF HINGHAM*, TO SHEW CAUSE, &c.

On the petition of Nicholas Bartlett :

Resolved, That the said *Nicholas Bartlett* serve *Jotham Loring*, of *Hingham*, in the county of *Suffolk*, with an attested copy of the said petition and this resolve, that the said *Loring* may appear before the General Court on the third Wednesday of the next sitting thereof, to shew cause, if any he hath, wherefore the prayer of the said petition should not be granted, and that all proceedings on the judgment which the said *Loring* recovered against said *Bartlett* in the county of *Suffolk*, in *April* term last, before the Court of Common Pleas, shall cease in the mean time.

July 3, 1784.

Chapter 62.

Chap. 62 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *GREAT BARRINGTON*, EMPOWERING *THOMAS INGERSOLL, JUN.* TO COLLECT THE SEVERAL TAXES MENTIONED.

On the petition of the selectmen of the town of Great Barrington, shewing, that in the year 1782, a state tax of Six hundred and twenty-two pounds, ten shillings, together with a county tax, a town tax and a minister's tax, were committed to Thomas Ingersoll, jun. then constable of the said town, to collect; that in the month of September last, for reasons in the said petition mentioned, the aforesaid taxes were taken out of the hands of the said Thomas Ingersoll, jun. and committed to John Hickok, then constable and collector of taxes for the said town, to be by him collected. That another state tax of Six hundred and twenty-two pounds, ten shillings; and a state tax of Four hundred thirty-seven pounds, thirteen shillings and four pence, together with a county tax, a town tax and a ministerial tax, were also committed to the said John Hickok, to collect, and that for reasons in the aforesaid

petition mentioned, all the taxes aforesaid have been taken out of the hands of the said John Hickok, and committed to Thomas Ingersoll, the present collector of taxes, then to be by him collected, and praying that the same Thomas Ingersoll may be empowered to collect the aforesaid taxes:

Resolved, That the prayer of the petition be granted, and that the same Thomas Ingersoll, be, and he hereby is, fully authorized and empowered, to collect the aforesaid several taxes in the same manner as he might have done, had they been originally committed to him to collect, or as the said Thomas Ingersoll, jun. and John Hickok, respectively, might or could have done, he observing the rules and requirements of the laws respecting the collecting of taxes by constables and collectors.

July 5, 1784.

Chapter 63.

RESOLVE ON THE PETITION OF A NUMBER OF INHABITANTS AND PROPRIETORS OF LAND IN THE NORTH-EAST CORNER OF STOCKBRIDGE, APPOINTING NATHANIEL KINGSLEY AND THOMPSON J. SKINNER, ESQ'RS. A COMMITTEE TO VIEW THE PREMISES.

Chap. 63

On the petition of a number of the inhabitants and proprietors of land in the north-east corner of Stockbridge, praying that the lands delineated in a plan accompanying the same, may be set off from said Stockbridge and annexed to the town of Lenox:

Resolved, That Caleb Strong, Nathaniel Kingsley and Thompson J. Skinner, Esq'rs: be a committee to view the premises, at the expence of the petitioners, and report what is proper to be done thereon, at the next session of the General Court.

July 5, 1784.

Chapter 64.

RESOLVE ON THE PETITION OF TIMOTHY PAIGE, AGENT ON THE ESTATES OF TIMOTHY RUGGLES AND DANIEL OLIVER, ABSENTEES, EMPOWERING THE JUDGE OF PROBATE TO RECEIVE THE CLAIMS MENTIONED.

Chap. 64

On the petition of Timothy Paige, agent on the estates of Timothy Ruggles and Daniel Oliver, late of Hardwick, Esq'rs; absentees, setting forth that he has a balance in his hands arising from the sales and rents of said estates,

amounting to Two hundred and twenty-eight pounds, five shillings and two pence one farthing, for which he has taken notes and bonds of several individuals who are creditors to said estates; and praying for liberty to pay the same in lieu of cash, and that the Judge of Probate for the county of Worcester may be empowered to receive the same in discharge of the said balance:

Resolved, That the Judge of Probate for the county of Worcester, be, and he hereby is, empowered to receive the said claims in discharge of the said balance due from the said agent accordingly; provided the same shall have been duly allowed, and provided further, that the said creditors shall upon discharging their demands in manner aforesaid, give bond with sufficient sureties to the said Judge of Probate, that so much of the said claims shall be repaid, in case upon a final settlement the said estates shall be found insufficient to pay and discharge all the just debts of the said absentees.

July 5, 1784.

Chapter 65.

Chap. 65 RESOLVE ABATING A FINE LAID ON THE TOWN OF SUDBURY, FOR NOT SENDING A REPRESENTATIVE.

On the petition of William Rice, in behalf of the inhabitants of the town of Sudbury, praying for an abatement of the fine in State Tax, No. 3, for the year 1783, for not sending a Representative for the year 1782, for reasons set forth in the petition:

Resolved, That the prayer of the petition be so far granted, as that one moiety of the fine, *viz.* Eighteen pounds, seventeen shillings and six pence be abated, and that the Treasurer be, and he is, hereby directed to discharge the town of *Sudbury* the aforesaid sum of Eighteen pounds, seventeen shillings and six pence in the last State Tax.

July 5, 1784.

Chapter 66.

Chap. 66 RESOLVE EMPOWERING THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF BERKSHIRE, TO APPORTION FIFTEEN HUNDRED POUNDS UPON THE SEVERAL TOWNS IN THE SAID COUNTY, FOR DEFRAYING COUNTY CHARGES.

Whereas it is represented to this Court, by the Court of General Sessions of the Peace for the county of Berkshire,

that the sum of fifteen hundred pounds is necessary for erecting a Goal, Goal House and Court House in the town of Lenox :

Therefore Resolved, That the Court of General Sessions of the Peace for the county of *Berkshire*, be, and hereby are empowered and directed, to levy and apportion the said sum of Fifteen hundred pounds, upon the several towns and other places within the said county, for the purposes aforesaid.

July 5, 1784.

Chapter 67.

RESOLVE ON THE PETITION OF *EZRA SARGEANT*, ESQ; IN BEHALF OF THE TOWN OF *MALDEN*, ABATING A FINE LAID UPON THE SAID TOWN.

Chap. 67

On the petition of Ezra Sargeant, praying for an abatement of the fine set upon the town of Malden, for not sending a representative to the General Court of this Commonwealth, in the year 1782, in the tax act of 1783, for reasons set forth in the said petition :

Resolved, That the town of *Malden* be abated one moiety of the said fine, *viz.* Fourteen pounds, four shillings and two pence ; and that the Treasurer of this Commonwealth be directed to discharge the town of *Malden* that sum in the last tax act accordingly.

July 5, 1784.

Chapter 68.

RESOLVE ABATING A FINE LAID UPON THE TOWN OF *WESTMINSTER*, FOR NOT SENDING A REPRESENTATIVE.

Chap. 68

On the petition of the selectmen of Westminster, praying the abatement of a fine set against the said town for neglecting to send a Representative in the year 1782 :

Resolved, That the prayer be so far granted that the sum of Sixteen pounds, two shillings and six pence be allowed to the town of *Westminster*; and that the Treasurer be, and is hereby directed to credit the said town for that sum in their State tax for the year 1783.

July 5, 1784.

Chapter 69.

RESOLVE ON THE PETITION OF *MOSES STEBBINS* AND OTHERS, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *WILBRAHAM* A CERTAIN SUM OF MONEY.

Chap. 69

On the petition of Moses Stebbins, James Warrinnor and Eldad Stebbins, committee for the town of Wilbraham,

praying for abatement of a fine set against the town of Wilbraham, of Forty-seven pounds, nineteen shillings and four pence, for not sending a Representative to the General Court, in the year 1781 and the year 1782, to represent the said town of Wilbraham in the General Court, for reasons set forth in the said petition :

Resolved, That the prayer of the petition be so far granted, that one half of the abovesaid fine be abated; and that the Treasurer of this Commonwealth be, and he hereby is, directed to credit the town of *Wilbraham* the sum of Twenty-three pounds, nineteen shillings and eight pence, on the last State Tax, granted by the General Court in *March*, 1783, in which tax the abovesaid fine was set against the town of *Wilbraham*. *July 5, 1784.*

Chapter 70.

Chap. 70 RESOLVE DISCHARGING A COMMITTEE APPOINTED THE TWENTY-FIRST OF SEPTEMBER, 1780, TO LAY OUT SIX THOUSAND ACRES OF LAND TO ARTHUR LEE, ESQ; AND APPOINTING JOHN LEWIS AND OTHERS, ESQ'RS; TO PERFORM THE BUSINESS ASSIGNED THEM.

Whereas by a resolve of the General Court, passed the twenty-first day of September, one thousand seven hundred and eighty, a grant of six thousand acres of the unappropriated lands laying eastward of Saco River, was made to Arthur Lee, Esq; in compensation of his services as agent for this State, in Great Britain, in the year one thousand seven hundred and seventy-five; and Benjamin Chadburne and Moses Little, Esq'rs. were appointed a committee to lay out the same, and perform other services, as by the said resolve will appear; and by a subsequent resolve, Jonathan Greenleaf, David Sewall, and Nathaniel Wells, Esq'rs. were joined to the said committee, but the affairs of the said committee have been so circumstanced as to render the performance of the business aforesaid impracticable :

Therefore Resolved, That the committee aforementioned be, and hereby is discharged; and that *John Lewis, Edward Russell and Isaac Parsons, Esq'rs.* be, and hereby are, appointed a committee to perform the business specified in the aforesaid resolve of the twenty-first of *September*, one thousand seven hundred and eighty.

July 5, 1784.

Chapter 71.

RESOLVE ON THE PETITION OF JOHN GRAFF, DIRECTING THE COMMITTEE FOR SETTTLING WITH THE MASSACHUSETTS LINE OF THE ARMY, TO CONSOLIDATE THE BOUNTY OF THREE HUNDRED DOLLARS PROMISED TO THE SOLDIERS, BY A RESOLVE OF THE FIRST OF OCTOBER, 1779, &c. Chap. 71

On the petition of John Graff, praying for a bounty promised by this State to him, as one of those soldiers who have served in the Massachusetts line of the army of the United States, during the late war:

Resolved, That the committee for settling with the Massachusetts Line of the army of the United States, be, and hereby are, directed to consolidate the bounty of three hundred dollars promised by a resolve of the General Court of October the first, 1779, to each non-commissioned officer and soldier, who then had, or since has inlisted as one of this State's quota of the said army, during the continuance of the late war; and when it shall appear to the said committee, that any of the said soldiers have not received the aforesaid bounty, they shall return a certificate of the consolidated value of the said bounty, to the Governor and Council, who are hereby authorized to issue a warrant on the Treasurer for the same; and the committee aforesaid shall charge the several sums they shall thus certify, to the United States. July 6, 1784.

Chapter 72.

RESOLVE INTITLING CALEB ATHERTON TO HALF PAY, TO COMMENCE FROM MAY, 1778, TILL FURTHER ORDER. Chap. 72

On the representation of John Lucas, Commissary of Pensioners, in behalf of Caleb Atherton, a soldier in Captain Adams's company, in Col. Brooks's regiment, in the service of the United States, setting forth that the said Caleb Atherton was deprived of eye sight while in the said service; and it appearing by a certificate from the Governor and Council agreeable to a resolve of Congress dated the twenty-fifth of September, 1778, that the said representation is true:

Therefore Resolved, That the said Caleb Atherton be intitled to half pay from the first day of May, 1778, 'till the further order of this Court, or of the Congress of the United States. July 6, 1784.

Chapter 73.

Chap. 73 RESOLVE FOR APPOINTING AGENTS TO REPAIR TO THE EASTERN PART OF THIS STATE, TO INFORM THEMSELVES OF ENCROACHMENTS MADE BY BRITISH SUBJECTS; AND INSTRUCTING THEM HOW TO PROCEED.

Whereas the United States in Congress assembled, on the twenty-sixth day of January last past, recommended to the Governor of this Commonwealth to cause enquiry to be made whether encroachments had actually been made on the territories of this State by the subjects of his Britannic Majesty, from the government of Nova Scotia: and it appearing that great encroachments have been made on the said territories:

Resolved, That three gentlemen be appointed by the General Court, whose duty and business it shall be to repair to the eastern part of this State, and there inform themselves what encroachments have been made by his said Britannic Majesty's subjects, on the territories of this Commonwealth, and if they find such have been made, that they make representation thereof to the Governor of *Nova Scotia*, and request him in a friendly manner, and as a proof of that disposition for peace and harmony which should subsist between neighboring States, to recall from off the said territory the said subjects of his Britannic Majesty, so found to have encroached thereon; that they receive any communications on the said subject which may be made by the said Governor of *Nova Scotia*, and make report of their proceedings herein to the General Court.

Resolved, That his Excellency the Governor make a commission under the seal of the Commonwealth, to the agents to be appointed as aforesaid to transact the said business, and transmit to the said Governor of *Nova Scotia*, a copy of these resolves. *July 7, 1784.*

Chapter 74.

Chap. 74 A GRANT OF FORTY-TWO POUNDS TO MR. WILLIAM BAKER, IN FULL TO THE 25TH OF MAY LAST.

On the petition of Mr. William Baker, praying for allowance for his services as messenger to the General Court:

Resolved, That there be allowed and paid out of the

treasury of this Commonwealth, to *William Baker*, the sum of Forty-two pounds, in full for his services as messenger to the General Court, to the twenty-fifth day of *May* last.

July 7, 1784.

Chapter 75.

RESOLVE APPROVING THE LICENCES GIVEN BY THE GOVERNOR TO *GEORGE SPOONER* AND OTHERS, LATE ABSENTEES. Chap. 75

Whereas the Governor, with the advice of the Council, hath granted licence to George Spooner, John Amory, Thomas Oxnard, Nathaniel Chandler, Thomas Brattle, David Greene and Isaac Winslow, to reside within this Commonwealth:

Resolved, That the licences granted as aforesaid be, and hereby are approved, and shall be continued in force until the third Wednesday of the next sitting of the General Court, provided the Governor with the advice of the Council shall judge the continuance of the persons above named not incompatible with the safety of the Commonwealth.

July 7, 1784.

Chapter 76.

RESOLVE ON THE MEMORIAL OF *WILLIAM LITHGOW, JUN. ESQ*; DIRECTING THE TREASURER TO STAY HIS EXECUTIONS AGAINST THE SEVERAL TOWNS IN THE COUNTY OF *LINCOLN*, FOR DEFICIENCIES IN MEN AND BEEF. Chap. 76

Whereas the memorial of William Lithgow, jun. Esq; of the thirty-first of January, 1784, in behalf of the inhabitants of the county of Lincoln, for reasons set forth in the said memorial, praying that the said inhabitants may be exempted from the payment of the tax assessed upon them for not procuring their respective quotas of three years and three and five months men for the army, amounting to the average price of the said respective quotas; and also for the deficiencies in procuring beef, is referred over to the next session of the General Court:

Therefore Resolved, That the Treasurer of this Commonwealth, be, and hereby is, directed to stay execution against the several towns in the said county of *Lincoln*, so far as respects their deficiencies in procuring men and beef, until the end of the next sitting of the General Court, any resolve to the contrary notwithstanding.

July 7, 1784.

Chapter 77.

Chap. 77 RESOLVE DIRECTING THE COMMISSARY GENERAL TO MAKE CERTAIN REPAIRS, REPORTED BY THE COMMITTEE, TO THE CASTLE IN *BOSTON* HARBOUR.

The Committee appointed to view the state of the Castle in *Boston* harbour, take leave to report that they have attended the service, and find the stone wall at the south-east part of the island (under *Shirley Battery*, so called) in such a state as to require an immediate repair; also a continuation of the said wall so far inclining to the southward as to secure a very valuable well, and the earth that supports the foundation of the bastion contiguous to the principal magazine; otherwise, in all probability, before another season it will be attended with double the expence and a total loss of the well: several other repairs to the wharves, if soon made, will prevent a considerable additional expence.

They also report it necessary that doors be made for several of the barracks that are wanting, and that they be inclosed as soon as may be:

That coverings be made for the carriages of the cannon, and a quantity of plank provided against another season, for repairing a number of carriages that are in a degree useless, and also a quantity of plank for platforms.

It will be for the advantage of the Commonwealth, to have a low wall continued round the West Head, so called, to the South Point, the next year, as for want of such a wall great quantities of the earth have washed into the sea.

The committee find all the military apparatus, excepting the carriages beforementioned, in exceeding good order; and that the garrison consists of fifty men only, including non-commissioned officers and privates, which number have been the peace establishment for near a century, and a less number the committee apprehend will be inadequate for the garrison; all which is humbly submitted.

COTTON TUFTS, per order.

Read and accepted, and

Resolved, That the Commissary General take order that the necessary repairs be made to the Castle in *Boston* harbour, pursuant to the foregoing report.

July 7, 1784.

Chapter 78.

GRANT OF FIFTY POUNDS TO THE COMMISSIONERS TO ASCERTAIN, &c. THE BOUNDARY LINE BETWEEN THIS COMMONWEALTH, AND THE EASTERN PART OF THE STATE OF NEW YORK. *Chap. 78*

Resolved, That there be paid out of the treasury of this Commonwealth, to *Joseph Hawley, Timothy Edwards, Caleb Strong* and *Theodore Sedgwick*, Esq's. the Commissioners by law appointed on the part of this State, in conjunction with Commissioners appointed on the part of the State of *New York*, to ascertain, run and mark the boundary line between this Commonwealth and the eastern part of the said State of *New York*, the sum of Fifty pounds, they the above named Commissioners to be accountable for the expenditure thereof, in the performance of the business aforesaid.

July 7, 1784.

Chapter 79.

RESOLVE ON THE PETITION OF ELIHU GIFFORD, TO NOTIFY JOHN BEAN TO APPEAR ON THE SECOND THURSDAY OF THE NEXT SESSION OF THE GENERAL COURT TO SHEW CAUSE. *Chap. 79*

On the petition of Elihu Gifford, praying for relief in John Bean's action against him:

Resolved, That the petitioner notify the said *Bean* to appear on the second Thursday of the next session of the General Court, by serving him with, or leaving at his last and usual place of abode, at least twenty days before the said time of appearance, a copy of the said petition and this resolve, properly attested, to shew cause, if any he hath, why the prayer of the petition should not be granted: and the execution in the said action, and all proceedings thereon, are stayed in the meantime.

July 7, 1784.

Chapter 80.

RESOLVE ON THE PETITION OF JOSIAH MOORE, ENTITLING HIM TO A NEW TRIAL ON THE ACTION MENTIONED, &c. *Chap. 80*

On the petition of Josiah Moore, praying for a new trial in an action brought against him by Edward Raymond and Hepzibah, his wife, administratrix on the estate of Jotham Bush, late of Shrewsbury, deceased, on which suit a judgment was recovered against the petitioner on default,

at the Court of Common Pleas holden at Worcester, in and for the county of Worcester, in March, 1781, for reasons mentioned in the said petition:

Resolved, That the petitioner be, and he hereby is, entitled to a new trial on the action aforesaid; and the Justices of the said Court of Common Pleas, at their sessions to be holden at *Worcester*, for and within the county of *Worcester*, on the first Tuesday of *September* next, be, and they hereby are, authorized and fully empowered to resume the aforesaid action, take off the default, and proceed to a trial in the same manner as they legally might on a new entry, the petitioner first serving the adverse party with an attested copy of this resolve, fourteen days at the least before the aforesaid first Tuesday of *September* next; and that execution on the former judgment be staid in the mean time, any law to the contrary notwithstanding.

July 7, 1784.

Chapter 81.

Chap. 81 RESOLVE FOR PENSIONING CAPT. JOHN SLEWMAN, AND ENTITLING HIM TO HALF PAY AS A CAPTAIN.

Upon the representation of John Lucas, Commissary of Pensioners, in behalf of Capt. John Slewman, of Col. Crane's regiment of artillery, who received a wound in the head at the battle of Germantown, on the fourth of October, 1777, by which wound he is rendered incapable of following any useful employment for obtaining his support:

Resolved, That the said Captain John Slewman be entitled to receive half pay as a Captain in the corps of artillery, from the time of his discharge from the army, untill the further order of Congress or the General Court of this Commonwealth.

July 9, 1784.

Chapter 82.

Chap. 82 RESOLVE FOR TRANSFERRING A COMMISSION APPOINTING EBENEZER BRIDGE AND NATHAN DANE, ESQ'RS. TO TREAT WITH THE INDIANS, TO BENJAMIN LINCOLN, ESQ; AND OTHERS.

Whereas the General Court, by a resolve dated the second day of July instant, appointed Ebenezer Bridge and Nathan Dane, Esq's; Commissioners to treat with the Indians of the Penobscot tribe, for the purposes in the same resolve mentioned, since which Benjamin Lincoln, Henry

Knox and George Partridge, Esq's; have been appointed Commissioners to inquire into the encroachments made by the subjects of the King of Great Britain, on the territory of this Commonwealth, and it appearing that the Commissioners last appointed can conveniently attend on the subject matter of both commissions: Therefore,

Resolved, That the Commission aforesaid of the said Ebenezer Bridge and Nathan Dane, Esq's; cease, and the said Benjamin Lincoln, Henry Knox and George Partridge, Esq's; are hereby vested with all the authorities and powers which in the commission to the said Bridge and Dane were given to them. *July 9, 1784.*

Chapter 83.

ORDER DIRECTING THE TREASURER TO LAY AN ACCOUNT OF
BALANCES DUE FROM COLLECTORS, &c. BEFORE THE GEN-
ERAL COURT, ON THE FIRST WEEK OF THE NEXT SESSION
THEREOF. *Chap. 83*

Ordered, That the Treasurer of this Commonwealth, he, and he is, hereby directed to lay before the General Court, in the first week of the next session thereof, an account of the respective balances due from the collectors in the several towns in the Commonwealth for taxes; together with the sum total of the balance due to this Commonwealth in outstanding debts and taxes, and also an account of the amount of the gold and silver notes, so called, not consolidated, and what interest may be unpaid thereon.

Ordered, That the Secretary be directed to publish the foregoing order in Adams and Nourse's Independent Chronicle. *July 9, 1784.*

Chapter 84.

RESOLVE ON THE PETITION OF DANIEL WITT OF PAXTON,
REMITTING SIX HUNDRED POUNDS OF THE DEBT MENTIONED. *Chap. 84*

On the petition of Daniel Witt of Paxton, shewing that he was prevailed on by Samuel Stearns, to be bail for said Samuel's appearance at the Supreme Judicial Court, holden at Worcester, where the said Samuel failed to appear, and thereby the Commonwealth hath obtained judgment against said Daniel for a sum, the payment whereof would utterly ruin him, and that he has caused the

said Samuel to be apprehended and confined in the common goal in Worcester, and it appearing from the record of the said Supreme Judicial Court, that the contents of the said Judgment amounts to the sum of Six hundred and ninety-four pounds, eight shillings debt, and Six pounds, five shillings and two pence, cost:

Resolved, That the sum of Six hundred pounds of the debt aforesaid, be, and hereby is remitted, and the said *Daniel* thereof discharged, and that execution be done only for the residue of the same judgment, *viz.* : for the sum of One hundred pounds, thirteen shillings and two pence.

Read, and thereupon *Ordered*, That the further consideration of the said petition be referred to the next session of this Court, and that execution be stayed in the mean time.

July 9, 1784.

Chapter 85.

Chap. 85 RESOLVE ON THE PETITION OF JACOB SHEAFE AND OTHERS, INHABITANTS OF THE STATE OF NEW HAMPSHIRE, DIRECTING THE COLLECTORS OF IMPOST AND EXCISE, TO SUSPEND PROSECUTING THE BONDS TAKEN BY THEM.

On the petition of Jacob Sheafe and others, inhabitants of the State of New Hampshire, praying that the bonds given for impost on goods imported into this Commonwealth, and exported to said state of New Hampshire, may be cancelled:

Resolved, That the Collectors of impost and excise in this Commonwealth, who may have taken bonds of any of the inhabitants of the State of *New Hampshire*, for the payment of the impost on goods, be, and they are, hereby directed to suspend prosecuting said bonds until the second Tuesday of the next session of the General Court, provided the obligor or obligors shall produce sufficient evidence to the said Collector or Collectors, that the goods so bonded, were exported whole and entire out of this Commonwealth, to the said State of *New Hampshire*.

July 9, 1784.

Chapter 86.

Chap. 86 RESOLVE GRANTING FOUR THOUSAND POUNDS TO THE COMMITTEE FOR EXAMINING AND PASSING ACCOUNTS.

Resolved, That there be paid out of the treasury of this Commonwealth, to the committee on accounts, Four thou-

sand pounds, to enable them to pay such accounts as have been or may be by them examined and allowed, the said committee to be accountable for the expenditure of the same.

July 9, 1784.

Chapter 87.

RESOLVE ON THE PETITION OF MOSES FITCH, GRANTING HIM FIFTEEN POUNDS, NINETEEN SHILLINGS AND FOUR PENCE, TO DISCHARGE THE ACCOUNTS MENTIONED. Chap. 87

On the petition and memorial of Moses Fitch, praying an allowance for his expence and loss of time, occasioned by a wound received in a battle at the White Plains, in the year 1776 :

Resolved, That the prayer of the said petition and memorial be granted, and that there be allowed and paid out of the public treasury of this Commonwealth, to the said *Moses Fitch*, in full discharge of his account (including the doctor's bill) the sum of Fifteen pounds, nineteen shillings and four pence.

And whereas there was no hospital established at the said White Plains at the time of the said battle, for the reception of wounded soldiers :

Therefore further Resolved, That the said sum of Fifteen pounds, nineteen shillings and four pence, be charged to the United States.

June 26, 1784.

Chapter 87A.

RESOLVE ON THE PETITION OF REUBEN HINMAN, IN BEHALF OF THE TOWN OF ADAMS, DIRECTING THE COMMITTEE FOR THE SALE OF ABSENTEES' ESTATES IN THE COUNTY OF BERKSHIRE, TO EXAMINE THE CLAIMS OF THE TOWN OF ADAMS AGAINST THE ESTATES OF ELISHA JONES AND JOHN MURRAY. Ch. 87 A.

On the petition of Reuben Hinman, in behalf of the town of Adams :

Whereas by a resolve of the sixth of March, 1782, that part of the town of Adams, formerly called East Hoosuck, had a reasonable time allowed them in due course of law to establish their claims to all lands due to them from the confiscated estates of Elisha Jones and John Murray. And whereas the time allowed the Judges of Probate to receive and examine the claims on the said estates is expired,

which renders it impracticable for them in that way to establish their claims :

Resolved, That the Committee for the sale of Absentees' Estates in the county of *Berkshire*, be, and they are, hereby empowered and directed, previous to their making sale of the said estates, to examine the claims the said town of *Adams* have against the estates of *Elisha Jones* and *John Murray*, on account of lands reserved in the original grant of the said township for public uses : And the committee aforesaid are likewise empowered and directed to set off to the said town of *Adams*, out of the confiscated estates aforesaid, so much as they shall judge to be an equivalent for the lands for which the said town may in their judgment establish a legal claim against the estates of the said *Jones* and *Murray*. July 9, 1784.

Chapter 88.

Chap. 88 RESOLVE GRANTING ONE HUNDRED THIRTY-SIX POUNDS, TO *JABEZ HATCH*, ESQ; LATE DEPUTY QUARTER MASTER GENERAL, TO DISCHARGE AN ENGAGEMENT OF *JOHN TORREY* ESQ; TO *AARON MIGHILL*.

Whereas the judgment which Aaron Mighill, Esq; hath recovered against John Torrey, Esq; late assistant Deputy Quarter Master General, at the Court in the county of Hampshire, on the last Tuesday of August last past, for the sum of One hundred and thirty-six pounds, fifteen shillings and seven pence, was on an engagement made by the said John Torrey, to pay the said Aaron Mighill for transportation of Continental property from Springfield to Claverack :

Resolved, That there be paid out of the public treasury, to *Jabez Hatch*, Esq; late a Deputy Quarter Master General, the sum of One hundred and thirty-six pounds, fifteen shillings and seven pence, to be by him applied for the discharge of the debt abovementioned, and that the same be charged to the account of the United States.

July 9, 1784.

Chapter 89.

Chap. 89 RESOLVE PENSIONING *JEREMIAH ROBBINS*, A SOLDIER, TILL FURTHER ORDER.

On the representation of John Lucas, Commissary of Pensioners, in behalf of Jeremiah Robbins, a soldier, who was wounded in the service of the United States :

Resolved, That the said *Jeremiah Robbins*, be entitled to one eighth part of pay as a soldier, from *January* the first, one thousand seven hundred and eighty, 'till the further order of the General Court or Congress.

July 9, 1784.

Chapter 90.

RESOLVE PENSIONING *WILLIAM PARKER*, A SOLDIER, 'TILL *Chap. 90*
FURTHER ORDER.

Upon the representation of John Lucas, Commissary of Pensioners, in behalf of William Parker, a soldier in Colonel Samuel Johnson's regiment, Captain Samuel Johnson's company of militia, who was wounded at the battle of Stillwater, on the seventh of October, 1777, by a musket ball, in his hip:

Resolved, That the said *William Parker* be allowed one eighth part pay as a private soldier, from the thirteenth day of *December*, 1777, the time of his discharge, until the further order of the General Court or the Congress.

July 9, 1784.

Chapter 91.

A GRANT TO THE HON. PRESIDENT OF THE SENATE AND HON. *Chap. 91*
SPEAKER OF THE HOUSE, AND CLERKS OF THE SENATE AND HOUSE.

Resolved, That there be granted and paid out of the public treasury of this Commonwealth, to the Honorable *Samuel Adams*, Esq; President of the Senate, the sum of six shillings per day, for each day's attendance the present session of the General Court: and also to the Honorable *Samuel A. Otis*, Esq; Speaker of the House of Representatives, the sum of six shillings per day, for each day's attendance on the General Court the present session, over and above their respective pay as members of the General Court:

And it is further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Minot*, Clerk of the House of Representatives; and also to Mr. *William Baker*, jun., Clerk of the Senate, the sum of Forty pounds each, in part for their services as Clerk of the House of Representatives and Clerk of the Senate, the present year.

July 9, 1784.

Chapter 92.

Chap. 92 RESOLVE DIRECTING HOW THE MEMBERS OF THE GENERAL COURT SHALL BE PAID FOR THEIR ATTENDANCE THE PRESENT SESSION.

Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to pay to each member of the General Court, out of that part of the second moiety of the Continental Tax which is appropriated to the use of this government, two thirds of the sum due to such member on the pay roll, for travel and attendance, during the present session of the General Court, and the remaining sum by a certificate on a collector or constable, to be discounted or paid out of the same tax appropriated as aforesaid.

July 9, 1784.

Chapter 93.

Chap. 93 RESOLVE FOR PRINTING TWO THOUSAND SIX HUNDRED OF THE SCHEDULE FOR TAKING A NEW VALUATION.

Resolved, That there be printed Two thousand six hundred of the schedule for taking a new valuation, agreeable to the act passed this session for that purpose; and the Secretary is hereby authorized and empowered to send with the valuation to each of the towns in this Commonwealth, a sufficient number for each town of the said schedules.

July 9, 1784.

Chapter 94.

Chap. 94 RESOLVE ON THE PETITION OF THE FIRST PARISH IN BRADFORD, EMPOWERING SAMUEL TRASK, JUN. TO COLLECT RATES AND TAXES.

On the petition of John Hovey, Enos Bishop and Peter Gage, a committee of the First Parish in Bradford, praying that Samuel Trask, jun. who was chosen a collector in March, 1783, to collect the rates and taxes of said First Parish, of that year, might be empowered to collect such rates and taxes, notwithstanding his neglecting to be sworn within the year for which he was chosen:

Resolved, That the prayer of the petition be granted, and that *Samuel Trask, jun.* who was chosen a collector for the said First Parish in *Bradford*, for the year 1783,

notwithstanding he was not sworn within the year for which he was chosen, be, and he hereby is, authorized and empowered to collect (upon his being sworn) all such rates and taxes as have been duly assessed on the inhabitants of the said First Parish, within the year for which he was chosen, and which were committed to him to collect, as fully as if he had been sworn within the year for which he was chosen.

July 9, 1784.

Chapter 95.

RESOLVE APPOINTING A COMMITTEE TO MAKE REPAIRS TO THE STATE HOUSE AND THE HOUSE WHERE THE GOVERNOR AND COUNCIL SIT, AND GRANTING TWO HUNDRED POUNDS FOR THE PURPOSE.

Chap. 95

Resolved, That *William Heath*, *Thomas Dawes*, and *Joseph Hosmer*, Esq's; be, and they are, hereby appointed a committee to make such repairs as they shall judge necessary to the State House where the General Court now sit; and also to the House where the Governor and Council sit.

And it is further Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said committee, the sum of Two hundred pounds, they to be accountable therefor, and lay their accounts before the General Court for examination and allowance.

July 9, 1784.

Chapter 96.

RESOLVE ON THE PETITION OF THE SELECTMEN OF STOCKBRIDGE, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN FOR A CERTAIN QUANTITY OF BEEF, AND TO RECALL HIS EXECUTION.

Chap. 96

On the petition of the Selectmen of Stockbridge, praying for reasons set forth in said petition, that the said town may be credited for the whole quantity of beef required of them by a resolve of the General Court, passed on the twenty-second day of June, in the year 1781.

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the said town accordingly for the said quantity of beef, amounting in

the whole to four thousand eight hundred and seventy-four pounds, (two receipts for part of the same beef, having been lost notwithstanding) and that the said Treasurer be, and hereby is, directed to recall his execution issued against the said town on account of the said beef.

July 9, 1784.

Chapter 97.

Chap. 97 RESOLVE ON THE PETITION OF BENJAMIN EVANS, DIRECTING A NEW TRIAL IN AN ACTION BROUGHT AGAINST THE INHABITANTS OF SALISBURY, &c.

On the petition of Benjamin Evans, praying that they may have a new trial in an action brought by Joseph Page and another, against the inhabitants of Salisbury, for reasons set forth in said petition:

Resolved, That the prayer of the petition be so far granted, that the petitioner serve the adverse party, with an attested copy of this petition, with this order thereon, at least fourteen days before the second Wednesday of the next session of the General Court, to appear and shew cause (if any they have) why the prayer of said petition should not be granted, and in the mean time execution be staid thereon.

July 9, 1784.

Chapter 98.

Chap. 98 RESOLVE DIRECTING RICHARD DEVENS, ESQ; TO MAN AND FIT THE STATE YATCH.

Resolved, That *Richard Devens*, Esq; Commissary General of this Commonwealth, be, and he is, hereby directed to man and fit the State Yatch in a suitable manner, to receive on board the agents who have been appointed to ascertain the encroachments made on the eastern part of this Commonwealth, which yatch, so fitted and manned, is to attend on said agents in the prosecution of the business aforesaid; and the Commissary aforesaid is further directed, to provide the necessary stores and provisions for the agents aforesaid, and the crew of said yatch.

July 9, 1784.

Chapter 99.

RESOLVE ON THE REQUEST OF A NUMBER OF THE INHABITANTS IN THE COUNTY OF LINCOLN, APPOINTING EBENEZER BRIDGE, &c. FOR A COMMITTEE, TO REPAIR TO THE SEVERAL TOWNS MENTIONED, AND VIEW THEIR SITUATION AND REPORT. Chap. 99

On the request of a number of the inhabitants in the county of Lincoln, in behalf of the towns of Newcastle, Walpole, Bristol, Waldborough, Warren, Thomaston, the plantation of Sterlington, and Boothbay, praying that a Committee from the General Court may be sent to view the circumstances of the said towns, at the expence of the same:

Resolved, That Ebenezer Bridge of Chelmsford, Ebenezer March of Newbury, and John Hill of Berwick, Esq's; be a Committee to repair to the said towns, as soon as may be, view their circumstances, and report a state of facts, at the next session of the General Court, the said towns defraying the expenses that shall be incurred in performing this business.

July 9, 1784.

Chapter 100.

A GRANT OF THREE HUNDRED POUNDS TO RICHARD DEVENS, ESQ; COMMISSARY GENERAL, FOR REPAIRS AT THE CASTLE. Chap.100

Whereas it appears by a report of a committee of both Houses made the present session, that sundry repairs are indispensably necessary at Castle William; which repairs, the Commissary General has been directed to make; and in order to enable the Commissary General seasonably to compleat the said repairs:

Resolved, That there be paid out of the public treasury to Richard Devens, Esq; Commissary General, the sum of Three hundred pounds, to be by him applied for the purpose aforesaid, for which he is to be accountable.

July 9, 1784.

Chapter 101.

RESOLVE ON THE PETITION OF JOSEPH DYER, GRANTING HIM TWENTY POUNDS IN SPECIE. Chap.101

On the petition of Joseph Dyer, a soldier in Colonel Hazen's regiment, praying for an allowance of a bounty

of Twenty pounds, promised to those who engaged in the first three years service, which bounty he has not received:

Resolved, That the prayer of the petition be granted, and that there be allowed and paid to *Joseph Dyer*, out of the treasury of this Commonwealth, the sum of Twenty pounds in specie notes, bearing date *January* first, 1777.

July 9, 1784.

Chapter 102.

Chap.102 A GRANT OF ONE HUNDRED AND FIFTY POUNDS TO THE COMMITTEE TO PERFORM CERTAIN DUTY IN THE COUNTY OF LINCOLN.

Resolved, That there be paid out of the public treasury, to the Committee appointed to perform certain duty in the county of *Lincoln*, by a resolve of the General Court, of the twenty-eighth of *October* last, the sum of One hundred and fifty pounds, to enable them to execute the business required of them by the resolves of the General Court; the said Committee to be accountable for the expenditure of the same.

July 9, 1784.

Chapter 103.

Chap.103 RESOLVE DIRECTING THE COMMITTEE FOR EXAMINING INTO THE STATE OF UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN, &c. AND VESTING THEM WITH CERTAIN POWERS, &c. &c.

Resolved, That the resolve of the General Court, of the twenty-second of *March* last, so far as it includes the acceptance of the second clause of a report of the Committee for examining into the state of the unappropriated lands in the county of *Lincoln*, made the nineteenth of the said *March*, be, and it is, hereby repealed.

Resolved, That the said Committee be, and they are, hereby directed to lay out as many more townships, in the said county of *Lincoln*, besides those mentioned in their said report of the nineteenth of *March* last, as they can in the course of the present season; and in such parts of the said county of *Lincoln*, as they shall judge most conducive to the interest of this Commonwealth; of which townships they are directed to run only the outside lines, obtaining the best information within their power of the quality of soil, and the circumstances of

each township or tract of land so laid out ; each of the said townships to contain six miles square, as near as may be ; and in the admeasurement of them no allowance to be made for ponds, bogs or meadows, and when sold no allowance shall be made to the purchaser for any loss or deficiency on account thereof.

Resolved, That the said Committee be, and they are, hereby directed and empowered to dispose of the said townships by them laid out as aforesaid, for the most they can obtain in the public consolidated securities of this Commonwealth, or for the notes given by the Treasurer thereof, to the officers and soldiers of the Continental Army, which may have, or shall become due in either of the years, 1784, 1785 or 1786, the same to sell either at public auction or private sale, as to them shall appear most conducive to the public interest, and in the conveyance of each township, they are directed to appropriate Two hundred acres for the use of the Ministry, Two hundred acres for the first settled Minister, two hundred and eighty acres for the use of the Grammar School, and Two hundred acres, near the centre of the town, for the future disposition of the General Court.

Resolved, That the said Committee be directed to give public notice as soon as may be, that the aforesaid lands are now laying out for sale as aforesaid ; and the said Committee are directed, as soon as they shall be possessed of due returns of the surveys, and are in a condition for the sale of any of the said lands, that they advertize the same for sale, and proceed without delay therein ; disposing of the said lands in greater or lesser quantities, as they shall judge most for the benefit of the Commonwealth ; and in the sale of the said lands, where they have been previously occupied, they are directed to govern themselves in the sale thereof according to the circumstances of the case ; and the said Committee are directed to agree upon some regular mode for the transacting the aforesaid business, and one at least of the said Committee to sit in *Boston*, one or two days weekly, for six weeks successively, before the next meeting of the General Court, for the purpose of taking in any proposals or subscriptions ; and for negotiating the said business, giving public notice of the time and place of sitting.

Resolved, That the said Committee be, and they are, hereby empowered to employ from time to time a Surveyor

or Surveyors, with proper chainmen, in taking such surveys and plans as they shall find necessary in the prosecution of the business of their commission, the said surveyors and chainmen to be under oath; and to execute good and sufficient deeds of the lands they shall sell, in pursuance of this or any former resolve; and the public securities for which the said lands are to be sold, and which they are hereby empowered to receive, the said Committee are directed to deliver to the Treasurer of the Commonwealth, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office; and to make report of their proceedings and progress herein, at the next session of the General Court. *July 9, 1784.*

Chapter 104.

Chap. 104 REPORT OF A COMMITTEE TO CONSIDER A TRANSCRIPT OF A LETTER FROM THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS, DATED JUNE 4, 1784, DIRECTING THE SECRETARY TO TRANSMIT THE SAME TO THE DELEGATES.

The Committee of both Houses appointed to take into consideration the transcript of a letter from the Delegates of this Commonwealth in Congress, from G. to H. with the papers No. 19 and No. 20, accompanying the same, report,

That in the opinion of the Committee, the conduct of the Delegates respecting a peace establishment, as expressed in the transcript of the letter beforementioned, merits the highest approbation of the Legislature: standing armies being dangerous to free States, in time of peace; and that the Legislature should by an incessant attention, endeavour to regulate, and at all times cause their numerous militia to be well disciplined; as the best and most proper defence of a free republic.

The Committee are further of opinion, that as a large proportion of the troops retained in the service from *November, 1783*, to the time of disbanding the army, belonged to the Commonwealth of *Massachusetts*, their Delegates should continue their earnest applications to Congress, for such an allowance therefor as shall be equitable, all which is submitted.

Stephen Choate, per order.

Read and accepted, and thereupon *Ordered*, that the Secretary be, and he hereby is, directed to forward to the Delegates of this Commonwealth in Congress, a copy of the foregoing report. *July 9, 1784.*

Chapter 105.

RESOLVE ON THE PETITION OF WILLIAM FOSTER AND OTHERS, Chap.105
 LATE SOLDIERS IN COLONEL JOSEPH WEBB'S REGIMENT,
 DIRECTING CAPTAIN SAMUEL TAY TO PRESENT AN ADDI-
 TIONAL PAY ROLL TO THE GOVERNOR AND COUNCIL.

On the petition of William Foster, Jesse Hopkins, Jesse Nichols, Samuel Teed, Nathaniel Harrod, Josiah Starnes, Samuel Eames, William Russel, Benjamin Lock, Jacob Richardson and Pomp Baldwin, praying for consideration for service performed as soldiers in Colonel Webb's regiment, and Captain Tay's company, raised to reinforce the Continental Army, in pursuance of a resolve of the legislature, of June, 1781 :

Whereas it appears to this Court, that the persons above-named did serve in the capacity aforesaid, for which service they have not received pay, and that they are entitled to compensation :

Therefore resolved, That Captain Samuel Tay present to the Governor and Council, an additional pay roll, containing the names of the several persons beforementioned, made out in the usual manner and form, specifying each man's time of service, from the time of his marching from home to the thirty-first day of October, 1781, inclusive, for examination and payment ; and that the additional pay roll be annexed to the pay roll of the company, heretofore presented and allowed. *July 9, 1784.*

Chapter 106.

RESOLVE PERMITTING THE TOWN OF WINDHAM, TO EXHIBIT Chap.106
 DUPLICATE RECEIPTS OF BEEF TO THE SECRETARY, ANY
 TIME BEFORE THE 20TH DAY OF JULY INSTANT, &c.

Whereas by a resolve of this Court, passed the twenty-first of February last, the time of returning duplicate receipts of beef, from any town which had neglected to make return, was limited to the first day of this instant July. And whereas it appears to this Court that the town of Windham did transmit their duplicate receipts of four thousand nine hundred and ten pounds to Boston, some time in June last, but the bearer of the receipts either through mistake or neglect, did not deliver the same to the Secretary, till after the said limited time had elapsed, when the same could not be received by the Secretary.

Resolved, That the town of *Windham* be permitted to exhibit the said duplicate receipts of beef to the Secretary, any time before the twentieth of *July* instant; and the Governor and Council are hereby empowered to receive and examine the said receipts in the same manner, and on the same condition, as if the same had been exhibited before the first day of *July* instant, any resolve to the contrary notwithstanding.

July 9, 1784.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE TWENTY-SIXTH DAY OF *MAY*, ANNO DOMINI, 1784; AND FROM THENCE CONTINUED, BY ADJOURNMENT, TO WEDNESDAY THE THIRTEENTH DAY OF *OCTOBER* FOLLOWING.

1784. — OCTOBER SESSION.

Chapter 1.

GRANT OF FIFTEEN POUNDS TO *WILLIAM BAKER*, MESSENGER TO THE GENERAL COURT, TO PURCHASE FUEL, &c. *Chap. 1*

Resolved, That there be paid to *William Baker*, messenger of the General Court, the sum of Fifteen pounds, out of the public treasury of this Commonwealth, to enable him to purchase fuel for the use of the said Court, he to be accountable for the expenditure of the same.

October 15, 1784.

Chapter 2.

RESOLVE ON THE PETITION OF *ELIZABETH SNELLING*, AUTHORIZING THE JUDGE OF PROBATE, OF *SUFFOLK* COUNTY, TO RE-COMMIT THE DEMAND MENTIONED. *Chap. 2*

On the petition of Elizabeth Snelling, setting forth, that the Commissioners on the estate of Jonathan Snelling, upon the demand of Ezekiel Goldthwait, before them preferred, allowed him a large sum of money, on account of certain protested bills of exchange, the risk of which bills, as she suggests, the said Goldthwait took altogether upon himself; and praying that the consideration of the premises

may be re-committed to the former commissioners, or that new ones may be appointed, and the said request appearing reasonable :

Resolved, That the Judge of Probate for the county of *Suffolk*, be, and he hereby is, authorized and empowered, to recommit the said demand of the said *Goldthwait* to the former Commissioners, to consider and report thereon ; their former commission being closed notwithstanding.

October 15, 1784.

Chapter 3.

Chap. 3 RESOLVE GRANTING TO *REBECCA MUNRO*, SIX POUNDS THREE SHILLINGS AND FOUR PENCE, FOR THE LOSS OF A HORSE.

On the petition of Rebecca Munro, praying for allowance for the sum of Six pounds, three shillings and four pence, for reasons mentioned in the said petition :

Resolved, That the prayer of the petition be granted, and that there be paid out of the treasury of this Commonwealth, the aforesaid sum of Six pounds, three shillings and four pence, to the said *Rebecca Munro*, in full discharge of her account.

October 15, 1784.

Chapter 4.

Chap. 4 RESOLVE ON THE PETITION OF *MARTHA LEE*, AND OTHERS, EMPOWERING THE JUDGE OF PROBATE, FOR *ESSEX* COUNTY, TO CAUSE A RE-EXAMINATION OF THE CLAIMS ON THE ESTATE OF *JEREMIAH LEE*, ESQ; OF *MARBLEHEAD*, DECEASED.

On the petition of Martha Lee, and others, praying that the Judge of Probate, in and for the county of Essex, may be authorized to direct the Commissioners on the estate of Jeremiah Lee, Esq; late of Marblehead, in the said county of Essex, deceased, to sit again and examine such further claims as may be exhibited against the said estate :

Resolved, That the Judge of Probate, in and for the county of *Essex*, be, and hereby is, authorized and empowered, to cause the Commissioners on the estate of the said *Jeremiah Lee*, Esq ; deceased, again to sit, examine and allow such further just claims against the said estate as may be exhibited ; the commission of the said Commissioners having expired, and returns having been made to the Judge of Probate, notwithstanding. *October 15, 1784.*

Chapter 5.

RESOLVE ADJOURNING THE SUPREME JUDICIAL COURT, FOR THE COUNTY OF ESSEX. *Chap. 5*

Whereas it appears that the causes, civil and criminal, pending in the Supreme Judicial Court, in the county of Middlesex, are numerous and of such importance, that the time limited by law (by reason of the sitting of the same Court at Salem, in the county of Essex, in the succeeding week) will be insufficient for hearing and determining the same: It is therefore hereby

Resolved, That the Supreme Judicial Court, by law to be held at Salem, in the county of Essex, on the first Tuesday of November next; and all matters and things, civil or criminal, now pending, or that may be pending therein, be, and hereby are, adjourned unto the second Tuesday of the same month of November, then to be held at Salem, within and for the said county of Essex, of which jurors, parties, witnesses, and all others interested or concerned, are to take notice and govern themselves accordingly.

October 18, 1784.

Chapter 6.

RESOLVE GRANTING THE HON. GEORGE PARTRIDGE, ESQ; TWO HUNDRED AND THIRTEEN POUNDS EIGHT SHILLINGS AND TWO PENCE, IN FULL OF HIS ACCOUNT OF SERVICE AND EXPENCE AS A DELEGATE AT CONGRESS, TO THE 29TH OF JUNE, 1784. *Chap. 6*

The committee to whom was committed the accounts of the Hon. George Partridge, Esq; for his expenditures and attendance as a Delegate for this Commonwealth at Congress, have attended that service, and find the several articles therein charged properly vouched, the account right cast, and the balance in his favor to be Two hundred and thirteen pounds, eight shillings and two-pence: Therefore,

Resolved, That there be paid out of the treasury of this Commonwealth, to the Hon. George Partridge, Esq; the sum of Two hundred and thirteen pounds, eight shillings and two pence, in full discharge of his expenditures and attendance as a Delegate for this Commonwealth at Congress, from the first day of November, 1783, to the twenty-ninth day of June, following, both days inclusive, (and after deducting Lord's days) making two hundred and eight days.

October 20, 1784.

Chapter 7.

- Chap. 7* RESOLVE GRANTING TEN POUNDS TO JOHN TUDOR, ESQ; IN FULL OF HIS ACCOUNT OF WHARFAGE, &c.

On the petition of John Tudor, Esq:

Resolved, That there be paid out of the public treasury, the sum of Ten pounds, to *John Tudor*, Esq; in full of his account, for wharfage and dockage of the ship *John*, mentioned in his petition.

October 20, 1784.

Chapter 8.

- Chap. 8* RESOLVE ON THE PETITION OF JOHN NOYES, ESQ; IN BEHALF OF EAST SUDBURY, DIRECTING THE TREASURER TO CREDIT SAID TOWN, THIRTEEN POUNDS SEVENTEEN SHILLINGS AND ONE PENNY, A FINE FOR NOT SENDING A REPRESENTATIVE, IN 1783.

On the petition of John Noyes, Esq; in behalf of the town of East Sudbury, praying that a fine laid on said town in the year 1783, for not sending a representative in the year 1782, be abated: Therefore,

Resolved, That the prayer of the said petition be so far granted, as that the Treasurer of this Commonwealth is hereby authorized and directed, to credit the said town of *East Sudbury*, the sum of Thirteen pounds, seventeen shillings and one penny, on the last State tax, granted in the year 1783, that sum being the amount of one half of the fine laid upon the said town of *East Sudbury*.

October 21, 1784.

Chapter 9.

- Chap. 9* GRANT OF FOUR THOUSAND POUNDS TO THE COMMITTEE ON ACCOUNTS.

Resolved, That there be paid out of the treasury of this Commonwealth to the Committee on accounts, Four thousand pounds, to enable them to pay such accounts as have been or may be by them examined and allowed, the said Committee to be accountable for the expenditure of the same.

October 21, 1784.

Chapter 10.

REPORT ON THE GOVERNOR'S MESSAGE RESPECTING EN-
CROACHMENTS, AND REQUESTING HIM TO PURSUE THE
MEASURES RECOMMENDED BY CONGRESS THE 29TH JANUARY
LAST. Chap. 10

The Committee of both houses, appointed to take into consideration his Excellency's message of the 20th instant, with the papers accompanying the same, have attended the service and report, That in the opinion of the Committee the report of the Commissioners so far as relates to the encroachments made by British subjects on the territories of the Commonwealth of *Massachusetts*, be accepted, and that his Excellency the Governor be requested immediately to pursue the measures recommended by Congress, the 29th of *January* last, respecting the same ; all which is humbly submitted.

WILLIAM HEATH, per order.

In Senate, read and accepted, and thereupon

Ordered, That his Excellency the Governor be requested accordingly.

In the House of Representatives, read and concurred.

October 21, 1784.

Chapter 11.

RESOLVE GRANTING DAVID ALLEN ONE POUND NINETEEN
SHILLINGS AND NINE PENCE HALF-PENNY. Chap. 11

On the petition of David Allen, praying for a compensation for his service as a soldier in the defence of the State of Rhode Island, in 1781 :

Resolved, That there be paid out of the public treasury, to the said *David Allen*, the sum of one pound, nineteen shillings and nine-pence two-farthings, in full for his service as a soldier, in Capt. *Abraham Washburn's* company, and Colonel *Theophilus Cotton's* regiment, that marched for the defence of *Rhode Island*, in *March, A. D. 1781* ; it appearing to this Court that the said *David Allen* was omitted in the said Capt. *Abraham Washburn's* State pay roll for the service aforesaid.

October 22, 1784.

Chapter 12.

Chap. 12 RESOLVE ON THE PETITION OF SAMUEL HUSTON, DIRECTING THE COMMISSARY GENERAL TO SUPPLY CERTAIN ARTICLES ANNUALLY FOR THE LIGHT HOUSE ON THATCHER'S ISLAND, AND GRANTING FIFTY POUNDS FOR THAT PURPOSE; ALSO A GRANT OF ONE HUNDRED AND TWENTY POUNDS TO SAID HUSTON, FOR HIS SERVICES, AND ESTABLISHING HIS PAY AND ASSISTANTS.

On the petition and memorial of Samuel Huston, keeper of the light houses on Thatcher's Island :

Resolved, That the Commissary General of this Commonwealth be, and he hereby is, directed to supply the said *Samuel Huston* with the following articles, for the necessary repairs and use of the said light houses, *viz.* : One hundred squares of glass, one hundred pounds weight of putty, two tin flasks, two iron kettles, sixty bushels of charcoal, twelve cords of wood, one hundred pounds weight of candles, and fifty pounds weight of cotton.

Be it further resolved, That from the second of this instant, *October*, the supplies for the said light houses annually be as follows, *viz.* : Charcoal, sixty bushels, wood, twenty-five cords, cotton, fifty pounds, and oil in such quantities as from time to time shall be found necessary.

Be it further resolved, That there be allowed and paid to the keeper of the said light houses for the time being, for himself and two assistants, One hundred and twenty pounds per annum ; and also that he have and be allowed the profits arising from the improvement of the island on which the light houses stand.

Be it further resolved, That there be paid out of the treasury of this Commonwealth to *Samuel Huston*, in full for his services as keeper of the said light houses, and that of his assistants, to the second day of *October* current, One hundred and twenty pounds.

Be it further resolved, That there be paid out of the treasury of this Commonwealth to *Richard Devens*, Esq ; Commissary General, to enable him to furnish the several articles enumerated in the first of these resolves, Fifty-six pounds, he to be accountable for the expenditure of the same.

Resolved, That the Commissary General be, and he is hereby directed, annually, to supply the several articles in the second resolve mentioned. *October 22, 1784.*

Chapter 13.

RESOLVE EMPOWERING THE ASSESSORS OF THE DISTRICT OF *CARLISLE*, TO ASSESS UPON THE INHABITANTS OF THAT PART OF THE SAID DISTRICT TAKEN FROM THE TOWN OF *ACTON*, THEIR JUST PROPORTION OF ALL DEBTS DUE, &c. Chap. 13

Whereas in and by the act for incorporating the District of Carlisle, provision was made that the inhabitants of the said District should pay their full proportionable part of all public debts which were then due from the respective towns from which the said District was taken; and whereas all the inhabitants of the said District, except those taken from the town of Acton, have paid their proportion of the debts then due from the towns from which they were respectively taken; and it being unjust that the whole District should be assessed for any part of the debts due from the town of Acton, at the time of the incorporation of the said District; Therefore

Resolved, That the assessors of the district of *Carlisle* be, and they hereby are, empowered and directed to assess upon the inhabitants of that part of the said District which was taken from the town of *Acton*, their just proportion of all the debts that were due from the said town of *Acton*, at the time the District of *Carlisle* was incorporated, with the interest that shall be due when the assessment was made, according to the polls and estates for which they were respectively taxable at that time.

Provided, That where any person that was an inhabitant of that part of *Carlisle* set off from the town of *Acton*, at that time, has removed out of that part of said District, and any other person now occupies the farm or tenement from which such person removed; in such case the person now occupying such farm or tenement shall be assessed for his real estate, and that only, and the said assessors of the said District, are hereby directed to annex a warrant to said assessment in due form of law, for the collection of the same.

October 22, 1784.

Chapter 14.

ORDER INSTRUCTING THE DELEGATES IN CONGRESS FROM THIS STATE, RESPECTING GOLD AND SILVER COIN. Chap. 14

Ordered, That the Delegates in Congress for this Commonwealth be, and they hereby are, instructed to move, as

soon as may be, to Congress, to take under consideration the state of foreign gold and silver coin, the rate at which they ought to pass throughout the United States; and to recommend to the several States in the Union to settle conformable thereto, the rates at which the same shall pass in their respective States.

October 23, 1784.

Chapter 15.

Chap. 15 RESOLVE ON THE PETITION OF *MOSES LITTLE*, ESQ; EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO EXAMINE A JUDGMENT ENTERED AT THE COURT OF COMMON PLEAS, AT *IPSWICH*; AND TO GIVE JUDGMENT, NOTIFYING *LAWRENCE FURLONG*.

On the petition of Moses Little, Esq;

Resolved, That the Justices of the Supreme Judicial Court, be and they hereby are, empowered at their next term, holden in the county of *Essex*, to examine a judgment entered at the Court of Common Pleas, at *Ipswich*, on the first Tuesday of *April* last past, wherein the said *Moses* was plaintiff, and *Lawrence Furlong*, of *Newbury Port*, defendant; from which judgment the said *Lawrence* appealed to the then next Supreme Judicial Court, holden at the said *Ipswich*, on the third Tuesday of *June* last past, when the same judgment was affirmed; and to rectify any error or mistake which may appear to have been made in rendering either of the said judgments, and to give judgment for what shall appear to be justly due, he, the said *Moses*, giving the said *Lawrence* or his attorney notice of this resolve; and the said Justices admitting the said *Lawrence* to have day in Court, and to defend the said suit in the same manner he might have done if he had entered his said appeal at the said Supreme Court.

October 23, 1784.

Chapter 16.

Chap. 16 RESOLVE ON THE PETITION OF *ROBERT HOOPER*, ESQ; DIRECTING THE AGENTS ON ABSENTEES ESTATES, IN THE COUNTY OF *ESSEX*, TO POSTPONE THE SALE OF THE REAL ESTATE OF *JOSEPH HOOPER*, UNTIL FURTHER ORDER.

Resolved, That the agents appointed to make sale of the estates of absentees, in the county of *Essex*, be, and hereby are, directed to postpone the sale of the real estate of *Joseph Hooper*, until the further order of this Court.

October 23, 1784.

Chapter 17.

RESOLVE ON THE PETITION [OF LEVI RAWSON, PERMITTING HIM TO RE-ENTER HIS ACTION, AND STAYING EXECUTION, &c. Chap. 17

Whereas it appears to this Court, that Jabez Metcalf recovered judgment against Levi Rawson, at the Court of Common Pleas for the county of Suffolk, on the third Tuesday of April last, for the sum of Two hundred and seventy-nine pounds, with cost, the said Levi not having had notice of the suit in due form of law: Wherefore,

Resolved, That the execution which has issued on the said judgment, be stayed, and that the said *Rawson* have leave to re-enter the aforesaid action at the next Court of Common Pleas, to be held at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *January* next, when the same proceedings shall be had on the said action, as if the same had been regularly continued to the said term, without any default of the defendant being entered on record or judgment given thereon. *Provided,* The said *Rawson* give notice to the said *Metcalf*, fourteen days before the sitting of the said Court, by serving him with an attested copy of this resolve. *October 25, 1784.*

Chapter 18.

RESOLVE ON THE PETITION OF ABRAHAM WATSON, ESQ; EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO EXAMINE A CERTAIN ERROR OF JUDGMENT, MADE BY THE CLERK OF THE PLEAS, FOR THE COUNTY OF MIDDLESEX. Chap. 18

On the petition of Abraham Watson, Esq; praying that an error in a judgment in his favour, against John Geary, may be rectified:

Resolved, That the Justices of the Supreme Judicial Court, at a Court to be by them holden at *Cambridge*, within and for the county of *Middlesex*, on the fourth Tuesday of *October* instant, be, and hereby are, authorized and empowered on complaint to them made by the said *Watson*, to examine into and correct any error or misprison that has arisen or been made by the Clerk of the Court of Common Pleas, for the said county, in certifying the copies of the record of a judgment of the Common Pleas of the said county, holden at *Concord*, on the second

Tuesday of *March* last past, wherein the said *Abraham Watson*, as administrator, was plaintiff, against the said *John Geary*, of *Stoneham*, in the same county, on a note of hand, dated the twenty-third day of *February*, 1771, and to render judgment for any further sum that may appear to be justly due to the said *Watson*, in his said capacity, from the said *Geary*, and to issue execution thereon accordingly. *Provided*, It shall appear to the said Justices that the said *Geary* shall have had reasonable notice of this resolve.

October 23, 1784.

Chapter 19.

Chap. 19 RESOLVE ON THE PETITION OF *SUPPLY CLAP*, AGENT FOR MERCHANTS AT *PORTSMOUTH*, REFERRING SAID CAUSE TO THE NEXT SESSION OF THE GENERAL COURT.

Resolved, That the impost officers for the county of *Suffolk*, and for the county of *Essex*, be, and they are, hereby respectively directed not to prosecute the bonds given by *John Langdon*, Esq; and others, for duties on goods imported by them, as mentioned in the petition of *Supply Clap*, their agent, until the third Wednesday of the next sitting of the General Court. *Ordered*, That the further consideration of said *Clap's* petition, and of the petition of *John Langdon*, Esq; therein referred to, together with the papers accompanying them, be referred to the next sitting of the General Court.

October 23, 1784.

Chapter 20.

Chap. 20 RESOLVE DISCHARGING THE TOWN OF *HOLLISTON* OF ONE-THIRD PART OF THEIR FINES, FOR NOT SENDING A REPRESENTATIVE IN THE YEARS 1781 AND 1782.

On the petition of the Selectmen of the town of Holliston, praying for an abatement of the fine laid on the said town of Holliston, for not sending a Representative to the General Court of this Commonwealth, in the years 1781 and 1782, for reasons set forth in the said petition:

Resolved, That the town of *Holliston* be discharged of one third part of the said fines, *viz.*: Fifteen pounds, nine shillings and five pence; and that the Treasurer of this Commonwealth be directed to discharge the town of *Holliston*, in the last tax act, the said sum accordingly.

October 26, 1784.

Chapter 21.

RESOLVE GRANTING COL. JOHN ALLAN THREE HUNDRED AND FORTY-FOUR POUNDS, FIFTEEN SHILLINGS AND EIGHT-PENCE, BEING A BALANCE DUE TO HIM AS SUPERINTENDANT OF INDIAN AFFAIRS. Chap. 21

Resolved, That there be paid out of the public treasury of this Commonwealth to *John Allan*, Esq; late Superintendent of the *Indians*, in the Eastern Department, the sum of Three hundred and forty-four pounds, fifteen shillings and eight pence, being the balance due to him on his accounts settled, the same to be charged to the United States.

October 26, 1784.

Chapter 22.

RESOLVE ON THE PETITION OF PAUL DUDLEY SARGENT, EMPOWERING THE COMMITTEE ON THE SUBJECT OF THE UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN, TO SURVEY THE ISLANDS MENTIONED, AND TO CONVEY THE SAME BY DEED TO THE SAID SARGENT. Chap. 22

On the petition of Paul Dudley Sargent, praying that a small cluster of islands lying in Miss Peckey Reach, so called, may be surveyed, appraised and granted to him and his associates:

Resolved, That the Committee appointed the 28th of *October*, 1783, on the subject of the unappropriated lands in the county of *Lincoln*, be appointed and empowered to contract with and employ a trusty and accurate surveyor, with proper assistance, being first sworn to survey the said islands (being three or four in number, the largest of which hath been commonly called *Rogue's Island*) and to return an accurate plan thereof, with a fair description of the quantity, quality and situation of the lands of the said islands, and to convey the same by deed to the said *Sargent*, and such other persons as may agree together to become purchasers thereof, upon such terms as the said committee shall think for the interest of the Commonwealth.

October 26, 1784.

Chapter 23.

RESOLVE ON THE PETITION OF JAMES SWAN, AUTHORIZING THE COMMITTEE ON THE SUBJECT OF UNAPPROPRIATED LANDS, IN THE COUNTY OF LINCOLN, TO HAVE SURVEYED A CERTAIN TRACT OF LAND, AND TO SELL THE SAME TO SAID SWAN. AND IN CASE. Chap. 23

Resolved, That the Committee appointed by a resolve of *October 28*, 1783, on the subject of the unappropriated

lands, in the county of *Lincoln*, or a major part of them, be, and they are, hereby authorized and directed to contract with and employ an accurate and trusty surveyor, to survey *Burnt Coat Island*, (so called) in the county of *Lincoln*, with directions to return to them the quantity and quality thereof, and upon receiving such return to sell the same to *James Swan*, Esq; who hath applied to purchase it for such price as they shall judge the said island to be worth; and in case they cannot agree on terms, the said Committee, or a major part of them, are directed to dispose of the same at public sale, or in such other way as they shall think will best serve the interest of the Commonwealth.

October 26, 1784.

Chapter 24.

Chap. 24 RESOLVE DIRECTING THE TREASURER TO CONTINUE CONSOLIDATING GOVERNMENT SECURITIES TO *MARCH* NEXT.

Resolved, That the Treasurer be, and he hereby is, authorized and directed to continue the business of consolidating Government Securities, until the first day of *March* next, and on the same terms as heretofore provided.

October 27, 1784.

Chapter 25.

Chap. 25 RESOLVE DIRECTING THE ATTORNEY GENERAL TO DEFEND SUITS, &c. IN CERTAIN CASES, RELATIVE TO CONFISCATED ESTATES.

Resolve empowering and directing the Attorney General, on behalf of the Commonwealth, to prosecute and defend suits, brought or to be brought, touching confiscated estates.

Whereas actions lately have been, and may hereafter be brought for the recovery of confiscated estates or property, wherein it may be necessary for the Commonwealth to appear and defend the titles of their grantees to such estates:

Resolved, That the Attorney General of this Commonwealth be, and he hereby is, empowered and directed in all cases where any action is depending, or may hereafter be brought in any court of law in the said Commonwealth, for the recovery of any confiscated estate or property, wherein the title of any owner or possessor thereof, claiming under the sale and warranty of the Commonwealth, shall come in question, or for the reversal of any judgment of confiscation, to appear on behalf of the said

Commonwealth as attorney thereof, whenever it may be expedient for the same Commonwealth to appear, prosecute or defend as vouchers or otherwise; with full power in the name of the Commonwealth, to plead and pursue to final judgment and execution, and to bring forward and prosecute to final judgment, any action or judicial process that shall be necessary to determine in whom the right and title to any such estate or property are, with power to substitute one or more attorneys under him for any of the purposes aforesaid.

October 28, 1784.

Chapter 26.

RESOLVE ON THE PETITION OF *RICHARD DEVENS*, AND OTHERS, *Chap. 26*
EMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF
WORCESTER, TO PROLONG THE TIME FOR RECEIVING THE
CLAIMS ON THE ESTATE OF *WILLIAM HARRIS*.

On the petition of Richard Devens, William Conant, John Austin, and Thomas Fessenden, representing that they were not knowing to the appointment of Commissioners on the claims of the creditors of the estate of William Harris, late of Sterling, in the county of Worcester, deceased, and praying the Judge of Probate for the said county, may be empowered to grant a further time for the said purpose:

Resolved, That the said petition be so far granted, as that the Judge of Probate be, and he hereby is, authorized and empowered to lengthen out the time for the Commissioners to sit, for the purpose of receiving the claims of the several creditors to the estate of the said *William Harris*.

October 29, 1784.

Chapter 27.

RESOLVE ON THE PETITION OF *JOHN ROWE*, ESQ; EMPOWERING *Chap. 27*
THE JUDGE OF PROBATE FOR THE COUNTY OF *MIDDLESEX*,
TO AUTHORIZE COMMISSIONERS TO RE-EXAMINE THE CLAIMS
OF SAID *ROWE*, AGAINST THE ESTATE OF *DAVID PHIPPS*,
ESQ; AND TO CERTIFY THE SAME.

On the petition of John Rowe, Esq; representing that he has a just claim against the estate of David Phipps, Esq; late of Cambridge, an absentee, and that he had no

notice of the reappointment of Commissioners on the claims against the said estate:

Resolved, That the Judge of Probate for the county of *Middlesex* be, and he hereby is, authorized and empowered to authorize Commissioners to re-examine the claims of the said *John Rowe*, Esq; against the said estate, in the same manner as if the same had been timely presented for re-examination; and if the said claim shall be found just and reasonable, the said Judge of Probate is hereby directed to certify the same to the Governor and Council, who are hereby authorized to grant a warrant for the same on the treasury, to be paid out of the proceeds of said *Phipps's* estate.

October 29, 1784.

Chapter 28.

Chap. 28 RESOLVE ON THE PETITION OF *DAVID TILDEN*, EMPOWERING HIM TO ENTER A COMPLAINT FOR THE AFFIRMATION OF A JUDGMENT RECOVERED AGAINST *STEPHEN MAYNARD*, AT THE SUPREME JUDICIAL COURT.

On the petition of David Tilden, administrator of the estate of Ruth Parrot, praying leave to enter his complaint at the Supreme Judicial Court, now holden at Cambridge, within and for the county of Middlesex, for the affirmation of a judgment recovered by the said David, against Stephen Maynard, of Westboro', gentleman, at the Court of Common Pleas, held at Worcester, on the second Tuesday of June last, on the default of the said Maynard, which complaint was omitted to be entered at the Supreme Judicial Court, held at Worcester, within and for the county of Worcester, on the third Tuesday of September last:

Resolved, That the said *David* be, and he is, hereby empowered to enter a complaint for the affirmation of the said judgment at the Supreme Judicial Court, now holden at *Cambridge*, within and for the county of *Middlesex*. *Provided*, That the said *David* give the said *Maynard* notice thereof, and that the defendant be not subjected to any greater costs than if the said judgment had been affirmed at the Supreme Judicial Court, for the county of *Worcester*, and the Justices of the said Supreme Judicial Court are hereby authorized to take cognizance of the same complaint, as if the same had been entered at the term to which the appeal was made. *October 30, 1784.*

Chapter 29.

RESOLVE ON THE PETITION OF DANIEL WITT, OF PAXTON, REMITTING SIX HUNDRED POUNDS, AND EXECUTION TO BE DONE ON THE RESIDUE OF THE JUDGMENT MENTIONED, FOR ONE HUNDRED POUNDS, THIRTEEN SHILLINGS AND TWO PENCE.

Chap. 29

On the petition of Daniel Witt, of Paxton, shewing that he was prevailed on by Samuel Stearns, to be bail for the said Samuel, his appearance at the Supreme Judicial Court, holden at Worcester, when the said Samuel failed to appear, and thereby the Commonwealth hath obtained judgment against the said Daniel for a sum, the payment whereof would utterly ruin him; and that he has caused the said Samuel to be apprehended and confined in the common goal in Worcester, and it appearing from the record of the said Supreme Judicial Court, that the contents of the said judgment amounts to the sum of six hundred and ninety-four pounds, eight shillings debt, and six pounds, five shillings and two pence costs:

Resolved, That the sum of six hundred pounds of the debt aforesaid, be, and hereby is, remitted and the said Daniel thereof discharged, and that execution be done only for the residue of the same judgment, viz.: For the sum of one hundred pounds, thirteen shillings and two pence.

October 30, 1784.

Chapter 30.

RESOLVE GRANTING A PENSION TO JUDE FOSTER.

Chap. 30

On the representation of John Lucas, Commissary of Pensioners, in behalf of Jude Foster, a corporal, in Colonel Asa Whitcomb's regiment, wounded in the service of the United States:

Resolved, That the said Jude Foster be entitled to half pay, from the first of January, one thousand seven hundred and seventy-seven, till the further order of the General Court or Congress.

October 30, 1784.

Chapter 31.

RESOLVE ON THE PETITION OF SOLOMON FREEMAN, ESQ; IN BEHALF OF SAMUEL COOK, ONE OF THE COLLECTORS OF EASTHAM, DIRECTING THE TREASURER TO RECEIVE THE SUM MENTIONED IN CONTINENTAL BILLS.

Chap. 31

On the petition of Solomon Freeman, Esq; in behalf of Samuel Cook, one of the Collectors in the town of East-

ham, for the year 1780, setting forth the loss said Collector is likely to sustain, by means of the late Treasurer Gardner's mistake in refusing to receive of the said Cook, a sum of old Continental money, when offered for taxes, agreeable to a resolve of the General Court, passed July 6, 1781, and praying relief:

Resolved, That the Treasurer of this Commonwealth be, and hereby is, directed to receive of the abovesaid Collector, in Continental bills, the sum of Twenty-eight hundred and fifty-one pounds, four shillings, and give the said Collector a discharge for the said sum; any law or resolve to the contrary notwithstanding.

November 1, 1784.

Chapter 32.

Chap. 32 RESOLVE ON THE PETITION OF SOLOMON THAYER, GRANTING NINE POUNDS, FIFTEEN SHILLINGS AND EIGHT PENCE; AND TO SOLOMON BLANCHARD, EIGHT POUNDS, EIGHTEEN SHILLINGS AND EIGHT PENCE, FOR SERVICE AT RHODE ISLAND.

On the petition of Solomon Thayer, corporal, and Solomon Blanchard, a private, representing that they had served for the space of five months, in a detachment for the defence of Rhode Island, in Capt. De Guiscard's company, in 1781; that they had not been made up in the said Captain's pay roll, and praying that they may be paid for their service:

Resolved, That there be allowed and paid out of the public treasury, unto Solomon Thayer, the sum of Nine pounds, fifteen shillings and eight pence; and to Solomon Blanchard, Eight pounds, eighteen shillings and eight pence, in full for their services.

November 1, 1784.

Chapter 33.

Chap. 33 GRANT OF SIX POUNDS TO BENJAMIN STEBBINS, FOR TAKING UP A DESERTER.

On the petition of Benjamin Stebbins:

Resolved, That there be paid out of the public treasury, to Benjamin Stebbins the sum of Six pounds, for taking up Stephen Ward, a deserter from the Continental army.

November 1, 1784.

Chapter 34.

RESOLVE ON THE PETITION OF *BILDAD FOWLER*, EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT, AT THE NEXT *SPRINGFIELD* COURT, IN THE COUNTY OF *HAMPSHIRE*, TO RE-ENTER THE ACTION MENTIONED.

Chap. 34

Resolved, That the Justices of the Supreme Judicial Court be, and they hereby are, authorized and empowered, at their next term, in the county of *Hampshire*, to permit *Bildad Fowler* to re-enter an action of review, entered by the said *Bildad*, before the Superior Court of Judicature, on the fourth Tuesday of *September*, 1773, against *Matthew Noble*, executor of *Matthew Noble*, late of *Westfield*, deceased; and to receive the report of the referees that were appointed by the said Court thereon, and to give the parties a day in Court, in the same manner they would have had if no discontinuance therein had taken place, and to enter up judgment and issue execution accordingly; he the said *Bildad* giving notice to the said *Matthew* hereof, fourteen days before the next sitting of the said Supreme Judicial Court, by serving him with an attested copy of this resolve. *November 2, 1784.*

Chapter 35.

RESOLVE ON THE PETITION OF *JOSIAH JORDAN*, GRANTING HIM TWENTY-EIGHT POUNDS, FOURTEEN SHILLINGS, IN NOTES, WITH DIRECTIONS TO THE TREASURER TO POST UP IN HIS OFFICE THE CHECK AND NUMBER OF THE NOTES OBTAINED BY THE FORGED ORDER.

Chap. 35

On the petition of Josiah Jordan, a soldier in Col. Crane's regiment, setting forth, that he drew an order on the Treasurer of this Commonwealth, for what was due to him from the 14th of March, 1777, to the 14th of March, 1780, in favour of sergeant Howes, which was presented for payment, but by a certificate from John Furnass, Esq; it appears that the wages due as aforesaid, to the amount of Twenty-eight pounds, fourteen shillings, was paid to one Uriah Remington, on an order forged by the name of the aforesaid Josiah Jordan; the fact appearing to this Court Therefore,

Resolved, That there be paid out of the treasury of this Commonwealth to *Josiah Jordan*, the sum of Twenty-eight

pounds, fourteen shillings, in notes, payable at the same period as other soldiers are:

Ordered, That the treasurer be, and he hereby is, directed to post up in his office, the check and number of the aforesaid notes obtained by the forged order; and when offered for payment, or any part thereof, to retain the same in his hands, so as the offender may be brought to justice.

November 1, 1784.

Chapter 36.

Chap. 36 RESOLVE ABATING ALL THE TAXES ASSESSED ON THE TOWN OF *SHERBURNE*, (*NANTUCKET*) PREVIOUS TO *JUNE*, 1784, EXCEPT ONE THOUSAND TWO HUNDRED AND TWENTY POUNDS LAID ON SAID TOWN IN *MARCH*, 1783; FOR WHICH THE TREASURER IS DIRECTED TO ISSUE HIS WARRANT.

Resolved, That all the public taxes which have been assessed or apportioned upon the town of *Sherburne*, on the island of *Nantucket*, previous to the first day of *June* last, and which remain unpaid, be, and hereby are, abated, except the sum of Twelve hundred and twenty pounds of the said town's proportion of the tax granted in *March*, 1783, for the use of this Commonwealth: and the Treasurer is hereby directed to issue his warrant to the Assessors of the said town of *Sherburne* for the assessment of the said sum accordingly.

November 2, 1784.

Chapter 37.

Chap. 37 RESOLVE ON THE PETITION OF *DANIEL WRIGHT*, FOR LOSS OF A SLOOP ON THE EXPEDITION TO *PENOBSCOT*, IN 1779.

On the petition of Daniel Wright, praying that he may be allowed and paid for a certain sloop which was his property, and was taken from him by Capt. Johnson, of the armed brigantine Pallas, and employed on the expedition at Penobscot, and was afterwards destroyed with the rest of the vessels on that expedition:

Resolved, That there be paid out of the treasury of this Commonwealth to the said *Daniel Wright*, the sum of Two hundred pounds, (being the value of the said sloop at the time of her being destroyed) in such way and manner as other persons, whose vessels were lost or destroyed in the expedition against *Penobscot*, are paid, agreeable to a resolve of the General Court, passed the 28th of *January*, 1782.

November 2, 1784.

Chapter 38.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF COXHALL, IN THE COUNTY OF YORK, EXCUSING ALEXANDER GRANT, CONSTABLE FOR 1781, FROM COLLECTION OF TAXES, AND EMPOWERING SAID TOWN TO CHOOSE ANOTHER IN HIS STEAD. Chap. 38

On the petition of the Selectmen of the town of Coxhall, in the county of York, in behalf of the said town:

Resolved, That the prayer of the said petition be so far granted, as that *Alexander Grant*, Constable of the said town for the year 1781, be, and hereby is excused from the collection of the said town's proportion of the tax granted by the General Court in *October*, 1781; and that the execution issued against him for the same, be forthwith returned into the Treasurer's office: That the said town, at any meeting duly warned for the purpose, be, and hereby are, empowered to choose a Collector for the purpose of collecting their proportion of the said tax. And the Selectmen of the said town for the time being, are hereby empowered and directed to commit the list or lists of the said tax, as assessed by the Selectmen of the said town for the year 1781, with such alterations as may be necessary, to such person as by virtue of this resolve may be duly chosen and qualified to serve as a Collector, and shall certify the same to the Treasurer of this Commonwealth; who shall thereupon issue his warrant in due form for the collection thereof and payment into the treasury, within six months from this time: And in case of failure of payment within the time limited, the said Treasurer is directed to issue his execution as in other cases. And any person who may be chosen, by virtue of this resolve, to serve as a Collector, shall be subject to the same penalties and vested with the same powers which other Collectors chosen in the month of *March* for the collection of other taxes, are subjected to and vested with: And in case of refusal, the said town shall have the same power to proceed to the choice of some other person, to serve in the room of the person refusing, as in other cases.

November 2, 1784.

Chapter 39.

Chap. 39 ORDER TO THE SECRETARY TO PUBLISH THE ARRET OF THE KING OF FRANCE.

Ordered, That the Secretary be directed to procure a translation of the Arret of the King of *France*, of *May 14*, 1784; and that he cause both the original and translation to be published.

November 3, 1784.

Chapter 40.

Chap. 40 RESOLVE ON THE PETITION OF THE TOWN OF CAPE ELIZABETH, PERMITTING THEM TO EXHIBIT DUPLICATE RECEIPTS OF BEEF BEFORE THE LAST OF DECEMBER NEXT, TO THE SECRETARY, FOR EXAMINATION BEFORE THE GOVERNOR AND COUNCIL.

On the petition of the town of Cape Elizabeth, setting forth, that their duplicate receipts of beef, although seasonably returned, on account of some mistake in the form of those receipts, were sent back for amendment, by which means the time set by the Legislature for sending in such receipts, elapsed:

Resolved, That the town of *Cape Elizabeth* be permitted to exhibit their duplicate receipts of beef to the Secretary any time before the last day of *December* next, that the Governor and Council may examine the said receipts in the same manner and on the same condition as if they had been exhibited before the first day of *July* last; any resolve to the contrary notwithstanding.

November 3, 1784.

Chapter 41.

Chap. 41 RESOLVE ON THE PETITION OF MARGARET MASCARENE, EMPOWERING HER, AS GUARDIAN TO HER INFANT SON, TO SELL THE LAND MENTIONED.

On the petition of Margaret Mascarene, of Boston, widow of John Mascarene, Esq; and guardian to her infant son, John Mascarene, praying, for reasons set forth in her petition, for liberty to sell and convey a tract of Ten thousand acres of land situate on the eastwardly side of Passamaquadi Bay, and in the province of Nova Scotia, granted by Lord William Campbell, late Governor of that province, to John Mascarene, Esq; aforesaid:

Resolved, That the prayer of the petition of the said *Margaret Mascarene* be granted. And the said *Margaret Mascarene*, in her said capacity of guardian, is hereby authorized and empowered, to bargain and sell the said tract of land; and to make and execute a good and lawful deed or deeds of the same, to such person or persons as may appear to purchase the same, she, the said *Margaret Mascarene*, previously to such sale, giving bond to the Judge of Probate of the county of *Suffolk*, to account for the proceeds of such sale, in like manner as guardians are accountable for personal estate. *November 3, 1784.*

Chapter 42.

ORDER REQUESTING THE GOVERNOR TO TAKE ORDER RESPECT- *Chap. 42*
ING CANNON, &c. AT *GLOUCESTER*.

Whereas it appears that there are several cannon with their apparatus, and sundry military stores belonging to this Commonwealth, now in the town of Gloucester:

Ordered, That the Governor be, and he hereby is, requested to give such orders for the removal or security of the said cannon, apparatus and military stores, as he may judge most conducive to the interest and safety of this Commonwealth. *November 4, 1784.*

Chapter 43.

RESOLVE APPROVING LICENCES GIVEN TO CERTAIN ABSEN- *Chap. 43*
TEES, TO THE THIRD WEDNESDAY OF THE NEXT SESSION OF THE GENERAL COURT.

Whereas the Governor, with the advice of the Council, hath granted licence to George Spooner, John Amory, Thomas Oxnard, Nathaniel Chandler, Thomas Brattle, David Green and Isaac Winslow, to reside within this Commonwealth:

Resolved, That the licences aforesaid be, and hereby are, approved, and shall be further continued in force until the third Wednesday of the next sitting of the General Court: *Provided*, the Governor, with the advice of Council, shall judge the continuance of the persons above-named not incompatible with the safety of the Commonwealth. *November 4, 1784.*

Chapter 44.

Chap. 44 RESOLVE ALLOWING THE ACCOUNTS OF THE TREASURER OF THE COUNTY OF MIDDLESEX.

Whereas it appears upon examination of the Treasurer's accounts for the county of Middlesex, that they are right cast and well vouched, that all the monies granted and allowed by the Court of General Sessions of the Peace, for the said county, from September, 1783, to August 24, 1784, were for such purposes and appropriations as by law the said Court were empowered to grant: Therefore,

Resolved, That the said accounts be accepted and allowed.

November 4, 1784.

Chapter 45.

Chap. 45 RESOLVE POINTING OUT A MODE TO THE COMMITTEE APPOINTED THE 28TH OF OCTOBER, 1783, FOR DOING THE BUSINESS OF THEIR COMMISSION, RELATIVE TO THE UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN, AND APPOINTING RUFUS PUTNAM, ESQ; SURVEYOR FOR THE PURPOSES MENTIONED.

The Committee appointed by a resolve of the General Court of this Commonwealth, of the 28th of *October*, 1783, to examine into the illegal entries upon the unappropriated lands in the county of *Lincoln*, &c. and by that and subsequent resolves, directed and empowered to examine into the authenticity of the titles of the claimants to the said lands, and the circumstances of settlers thereon; and to lay out and dispose of the said lands, &c. being particularly directed by a clause in a resolve of the 9th of *July* last, to agree on a regular mode of doing the business of their commission: submit the following mode or plan for transacting the same:

1. That the business of ascertaining the authenticity of the titles of companies and individuals to any of the said lands, and the limits and extent of their claims, and of examining into the condition and circumstances of persons settled upon the said lands, and the cases of those who claim under conditional grants made by government, of reporting a state of facts to the General Court, in some cases, and of settling with some of the above described persons in other cases, be continued without delay, in the manner already prescribed by the said resolves, and pursued by the committee.

2. That a trusty and accurate surveyor be added to the said Committee, who are or shall be appointed to transact the above business, and joined in the commission so far as it relates to the locating, forming plans, and descriptions of the said lands, and fixing the rate or price at which they may be disposed of.

3. That the business of locating the said lands, and ascertaining in the best manner possible, the quality and situation thereof, be continued with all convenient dispatch, beginning upon the sea coasts, navigable rivers, and the boundaries of lands already located, (having regard to the lands and islands the most saleable) and proceeding back towards the interior parts of the said counties in a regular manner; and that the said townships and islands, as soon as they shall be surveyed, and a plan and description thereof returned by the said surveyor, or such other surveyors as the Committee may employ, be located on a plan to be formed and kept by the said Committee, on a scale of not more than three miles to an inch, so that it may be seen what lands in the said county are laid out, and where they lay.

4. That one of the said Committee (other than the said surveyor) shall keep an office open in *Boston*, in or near the State House, the first and third Wednesdays and Thursdays in every month, to receive the proposals and subscriptions of those who may be disposed to become purchasers of any of the said lands, and to give them any information that may expedite the sale thereof; where the said Committee shall collect and lodge the best plans of that county they can obtain, and wherein they shall regularly keep the doings of government, and the doings of their Committee, respecting the said lands; and the said Committee shall continue to give public notice that the said lands are laying out and ready for sale, with the terms thereof, &c. as already directed by the General Court.

5. That the said Committee proceed in the disposal of the said lands, at private or public sale, for the securities of this Commonwealth, &c. and reserving Eight hundred and eighty acres in each township, &c. in the same manner as is prescribed by a resolve of the General Court, of the 9th of *July* last.

6. That the said Committee, or two or more of them, shall meet in the said office to make any determinations,

the matters contained in their commission may require, the first Wednesday in every month, and as much oftener as the nature and circumstances of the business and the interest of the Commonwealth may make it necessary.

7. That as soon as the General Court, on their part, shall decide or determine as to the validity or extent of any private claims to the said lands, and any companies or individuals concerned, between whom and the Commonwealth the matter in controversy may be, shall not acquiesce therein, and in convenient time signify their consent to such determination; some suitable person or persons be empowered and directed without delay, on the part of the Commonwealth, to bring forward a process in law, whereby any such matter in controversy may be determined.

NATHANIEL WELLS.

NATHAN DANE.

Read and accepted, and thereupon

Resolved, That *Rufus Putnam*, Esq; be, and he hereby is, appointed surveyor for the purposes mentioned; and that the Committee be directed and authorized to proceed and carry into effect the said report.

November 5, 1784.

Chapter 46.

Chap. 46 RESOLVE DIRECTING THE TREASURER TO ALLOW INTEREST ON PUBLIC SECURITIES TO THE PURCHASERS OF *BROWN'S* ESTATE, UP TO THE TIME OF PAYMENT.

Resolved, That the Treasurer of this Commonwealth be, and hereby is, empowered and directed to pay to the purchasers of the estate, late the estate of *William Brown*, Esq; situate in *Salem*, in the county of *Essex*, sold to them on the 12th day of *October* last, by the Committee for selling confiscated estates in the said county, for Government securities, the interest due at the time of payment on such securities as the said purchasers shall pay respectively to the said Committee, for such parts of the said estate as they respectively then purchased.

November 5, 1784.

Chapter 47.

RESOLVE ON THE PETITION OF *BENJAMIN DALAND*, GRANTING HIM ONE HUNDRED AND FIFTEEN POUNDS, FOURTEEN SHILLINGS AND FIVE PENCE, AND DIRECTING THE TREASURER TO PAY BY HIS NOTE, ONE HUNDRED AND SIXTY-TWO POUNDS, THIRTEEN SHILLINGS. Chap. 47

On the petition of Benjamin Daland, praying for pay for his services in conducting the marine prisoners from Salem to Boston, and for a reimbursement of the money by him expended in this business:

Resolved, That there be paid out of the public treasury of this State, to *Benjamin Daland*, the sum of One hundred and fifteen pounds, fourteen shillings and five pence, in part pay of his account, and that the Treasurer be, and hereby is, directed to pay by his note, in behalf of the Commonwealth, the further sum of One hundred and sixty-two pounds, thirteen shillings, which two sums will be in full of his account; and that the same be charged to the United States.

November 5, 1784.

Chapter 48.

RESOLVE DIRECTING THE TREASURER TO PAY TO *ADONIJAH RICE*, NOTES OF THE SAME TENOR AND SUMS WHICH WERE DELIVERED UPON A FORGED ORDER. Chap. 48

On the petition of Adonijah Rice, setting forth that his son, Samuel Rice, was a soldier in the Continental army, from the fore part of the year 1777, until the year 1781, at which time the said Samuel died; and on the twenty-eighth day of January, 1783, a forged order was drawn in favor of one John Kimball, upon the Treasurer of this Commonwealth, upon which order the notes due to the aforesaid Samuel, deceased, was delivered, whereupon the said Adonijah prays for relief:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to make out and pay to the said *Adonijah Rice*, notes of the same tenor and sums that those notes were of which were delivered upon the aforesaid forged order.

November 5, 1784.

Chapter 49.

- Chap. 49* RESOLVE DIRECTING THE TREASURER TO DISCHARGE THE TOWN OF *COHASSET* FOR THEIR DEFICIENCIES OF THE BEEF TAX, AND TO CREDIT SAID TOWN WITH A FURTHER SUM.

On the petition of Thomas Lothrop, in behalf of the town of Cohasset :

Resolved, For reasons set forth in the petition, That the Treasurer be, and he is, hereby directed to discharge the town of *Cohasset*, from an execution now lying against the said town, for their deficiency of the Beef tax, which deficiency is the sum of Eighty-one pounds, three shillings and three pence, the said town of *Cohasset* paying the fees and charges that have already arisen upon the said execution.

And it is further Resolved, That the Treasurer credit the said town of *Cohasset* the further sum of Eighteen pounds, sixteen shillings and nine pence, out of the last State tax ; the same sums being in full of the deduction which the said town of *Cohasset* was to receive, by a resolve of the General Court, dated the 11th *March*, 1784.

November 5, 1784.

Chapter 50.

- Chap. 50* RESOLVE ON THE PETITION OF *DAVID THAYER*, TO NOTIFY *SILAS HODGES* TO SHEW CAUSE, &c. THE NEXT SESSION OF THE GENERAL COURT.

On the petition of David Thayer :

Resolved, That the petitioner notify *Silas Hodges*, and *Amos Barret*, or their attorney, to shew cause, (if any they have) on the second Thursday of the next session of the General Court, why the prayer of the said petition should not be granted, by serving the said *Silas* and *Amos*, or their attorney, with an attested copy of his petition and this order thereon, at least ten days before the said second Thursday of the next session, and that the executions of the said *Silas* and *Amos*, against the said *Thayer*, in the mean time be stayed.

November 5, 1784.

Chapter 51.

RESOLVE ON THE PETITIONS OF THOMAS WALLEY AND JOHN SIMONDS, DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF MIDDLESEX, TO APPOINT COMMISSIONERS ON THE ESTATES OF JOHN VASSALL AND JONATHAN SEWALL, FOR PURPOSES MENTIONED. Chap. 51

On the petitions of Thomas Walley and John Simonds, praying that the Judge of Probate for the county of Middlesex, may be empowered to grant his warrant to Commissioners, for the settling the estates of Jonathan Sewall and John Vassall, Esq's., for a further time, that thereby they may have an opportunity of exhibiting their claims for allowance:

Resolved, That the prayer of the petition be so far granted, that the Judge of Probate of Wills, &c. for the county of *Middlesex*, be, and he is, hereby authorized and empowered, on application, to appoint Commissioners to examine the claims of *Thomas Walley* and *John Simonds*, on the aforesaid estates of *John Vassall* and *Jonathan Sewall*, Esq's., for the term of one month, from the time of their appointment for the purpose aforesaid, at the expence of said *Walley* and *Simonds*, that they may have an opportunity to exhibit their claims within the term mentioned; any law to the contrary notwithstanding.

November 5, 1784.

Chapter 52.

RESOLVE ON THE PETITION OF THE HONOURABLE FRANCIS DANA, DIRECTING THE JUDGES OF PROBATE FOR THE COUNTIES OF SUFFOLK AND MIDDLESEX, TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIMS UPON THE SEVERAL ESTATES MENTIONED. Chap. 52

Whereas the Honorable Francis Dana, Esq; was for a long time absent from this Commonwealth, upon important business of public concernment, by which means he was prevented exhibiting claims he had upon the estates of David Phipps and Sylvester Gardiner, absentees, until the Commissioners for examining claims on the said estates had closed the business of their appointments: Therefore,

Resolved, That the Judges of Probate for the counties of *Suffolk* and *Middlesex*, be, and they hereby are, respectively authorized and empowered to appoint Commis-

sioners within their several jurisdictions, to receive and examine any claims that the said *Francis* may have upon the said estates, either in his own right, or as executor of the last will and testament of *Richard Dana*, Esq; deceased, and report thereon, in the same manner as tho' the said claims had been seasonably exhibited to the Commissioners heretofore appointed to examine the claims on the said estates, and all such proceedings shall be had thereon, and every benefit and advantage shall enure to the said *Francis*, as though the same claims had been allowed by the former Commissioners on the said estates.

November 5, 1784.

Chapter 53.

Chap. 53 GRANT OF ONE HUNDRED AND FOURTEEN POUNDS, FOUR SHILLINGS AND SIX PENCE, TO THE HONOURABLE *FRANCIS DANA*, ESQ; AS A MEMBER OF CONGRESS, TO THE 26TH AUGUST LAST.

On an account of the Honourable Francis Dana, Esq; exhibited to the General Court:

Resolved, That there be paid out of the treasury of this Commonwealth, to the Honourable *Francis Dana*, Esq; the sum of One hundred and fourteen pounds, four shillings and six pence, in full discharge of his expenditures and attendance as a Delegate for this Commonwealth at Congress, from the tenth day of *May*, one thousand seven hundred and eighty-four, to the twenty-sixth day of *August* following, both days inclusive, and making ninety-four days.

November 6, 1784.

Chapter 54.

Chap. 54 RESOLVE ON THE PETITION OF *CHRISTOPHER GORE*, IN BEHALF OF *CHAMPION, DICKINSON* AND *BURGESS*, AUTHORIZING THE JUDGE OF PROBATE, FOR *SUFFOLK*, TO RENEW THE COMMISSION OF INSOLVENCY ON THE ESTATE OF *THOMAS LEVERETT*.

Upon the petition of Christopher Gore, in behalf of Alexander Champion, Thomas Dickinson and William Burgess, shewing that by some mistake a just claim which they, the said Alexander Champion, Thomas Dickinson and William Burgess, had upon the estate of Thomas Leverett, late of Boston, deceased, insolvent, was not

considered by the Commissioners of Insolvency on the said estate, though seasonably preferred: Therefore,

Resolved, That the Judge of Probate, for the county of *Suffolk*, be, and hereby is authorized and empowered, to renew the commission of insolvency, originally issued, to adjust the claims on the estate of the said *Leverett*, or to appoint new commissioners, as he shall think proper, whose duty and business it shall be to examine the claims of the said *Champion*, *Dickinson*, and *Burgess*, and any others on the said *Leverett's* estate, and report the amount thereof; and upon comparison of the same, with the claims of the other creditors already allowed, to variate the report made upon the former commission, in such manner as that the same justice and rate of distribution shall enure to the said *Champion*, *Dickinson*, and *Burgess*, as to those creditors whose claims have already been allowed, and to report the same to the Judge of Probate, which report made shall be valid, the former notwithstanding; and in case payment of any claims already allowed hath been made, the several creditors which have received the same, shall be holden to refund the same, in proportion as their several claims shall be lessened by the proceedings on this resolve.

November 6, 1784.

Chapter 55.

RESOLVE ON THE PETITION OF CHRISTOPHER GORE, FOR
CHAMPION, DICKINSON, AND BURGESS, DIRECTING THE
JUDGE OF PROBATE, FOR ESSEX, TO APPOINT COMMISSION-
ERS ON THE ESTATE OF EPES SARGENT. *Chap. 55*

Upon the petition of Christopher Gore, in behalf of Alexander Champion, Thomas Dickinson, and William Burgess, shewing that by a mistake of the administrator on the estate of Epes Sargent, late of Gloucester, deceased, insolvent, a just claim of the said Alexander Champion, Thomas Dickinson, and William Burgess, amounting to Seventeen hundred and eighteen pounds nine shillings and nine pence sterling, was exhibited to the Commissioners of Insolvency on the said estate, as amounting to nine hundred pounds only, and distribution took place of the estate of the said Epes Sargent, agreeable thereto: Therefore,

Resolved, That the Judge of Probate of the county of *Essex*, be, and hereby is authorized and empowered to

appoint commissioners to examine the justice of the said claim, and upon comparison of the report of the former commissioners as already made, to report what further sum ought to have been allowed thereon; and if any, report the same to the said Judge of Probate, who is hereby directed to cause a record thereof, together with this resolve, to be entered in the Register's Office of the said Court; and upon the distribution of the dower of the widow of the said *Epes*, such further distributive sum, with interest, shall be paid to the said *Champion*, *Dickinson*, and *Burgess*, or their heirs, out of the said dower, in priority to any other claims, as they would have been entitled to, had their claim been wholly exhibited before the close of the commission of insolvency heretofore granted on the said estate, and as shall cause equal justice to enure to all the creditors of the said *Epes*.

November 6, 1784.

Chapter 56.

Chap. 56 RESOLVE ON THE PETITION OF ELIHU GIFFORD, GRANTING HIM A NEW TRIAL IN THE CASE OF JOHN BEAN.

On the petition of Elihu Gifford, praying for a new trial in an action brought against him by John Bean, on which suit a judgment was recovered against the petitioner on default at the Court of Common Pleas, holden at Sherburne, in the county of Nantucket, in March, 1784, for reasons set forth in the said petition:

Resolved, That the petitioner be, and he hereby is entitled to a new trial on the action aforesaid: And the Justices of the said Court of Common Pleas, at their sessions to be holden at *Sherburne*, within and for the county of *Nantucket*, on the last Tuesday of *March* next, be, and they hereby are authorized and fully empowered, to resume the aforesaid action, take off the default, and proceed to a trial in the same manner as they legally might on a new entry, the petitioner first serving the adverse party with an attested copy of this resolve, fourteen days at the least before the aforesaid last Tuesday of *March* next, and that execution on the former judgment be staid in the mean time; any law or resolve to the contrary notwithstanding.

November 6, 1784.

Chapter 57.

RESOLVE ON THE PETITION OF *ELISHA CRANSON*, IN BEHALF OF THE TOWN OF *ASHFIELD*, DIRECTING THE TREASURER TO SEND HIS WARRANT TO *JOSEPH WARREN*, TO COLLECT THE TAX MENTIONED, AND TO STAY HIS EXECUTION. *Chap. 57*

On the petition of Elisha Cranson, in behalf of the town of Ashfield, praying that the Treasurer of this Commonwealth may be directed to send his warrant to Joseph Warren, one of the Collectors for the said town, empowering the said Collector to collect tax No. 1, granted in January, 1782, from the several persons whose names are contained in the list of the said tax committed to the said Collector by the Assessors of the said town of Ashfield; and that he be directed not to send any execution for the said tax against the said town, till some future time, for reasons set forth in the said petition:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to send his warrant to *Joseph Warren*, the aforesaid Collector, empowering him to collect the tax aforesaid: And he is hereby further directed to stay, for the space of three months, the issuing any further execution for the tax aforesaid against either the town of *Ashfield*, or the present Collector.

November 6, 1784.

Chapter 58.

RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE COUNCIL, AND OF THE GENERAL COURT. *Chap. 58*

Resolved, That there be paid out of the treasury of this Commonwealth, the sum of eight shillings to each member of the Honorable Council, and the sum of seven shillings and six pence to each member of the Honourable Senate, and the sum of seven shillings to each member of the House of Representatives, for each day they have attended the Council or General Court the present session; also the further sum of one day's pay for every ten miles distance each member lives from this place.

November 8, 1784.

Chapter 59.

RESOLVE FOR SELLING THE FURNACE, &c. AT *BRIDGWATER*, AND EMPOWERING *HUGH ORR*, ESQ; TO SELL THE SAME. *Chap. 59*

Resolved, That *Hugh Orr*, Esq; be, and he hereby is authorized and directed to sell (either at public or private

sale, as he shall judge best) the air furnaces and blast furnace, together with the boring mill belonging to this Commonwealth at *Bridgwater*; together with all the land and appurtenances thereunto belonging, (except the machine for boring solid cannon) and give and execute a good and lawful deed or deeds of the same in behalf of this Commonwealth, and receive in payment for the same government consolidated securities, and pay the proceeds thereof into the treasury of this Commonwealth, taking duplicate receipts therefor; one of which he is directed to lodge in the Secretary's office, and make report to the General Court of his proceedings as soon as may be.

November 8, 1784.

Chapter 60.

Chap. 60 RESOLVE ALLOWING THE TREASURER'S ACCOUNTS FOR THE COUNTY OF *PLYMOUTH*; AND GRANTING A TAX OF TWO HUNDRED POUNDS FOR DEFRAING THE CHARGES OF SAID COUNTY.

Whereas it appears upon examination of the Treasurer's accounts for the county of Plymouth, that his accounts are right cast and well vouched; that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, from October 11, 1783, to September 30, 1784, were for such purposes and appropriations as by law the said Court were empowered to grant: Therefore,

Resolved, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the said county of Plymouth, made on the first Tuesday of October, 1784, that the sum of Two hundred pounds will be necessary for defraying the charges of the said county for one year then next ensuing: Therefore,

Resolved, That there be, and hereby is granted a tax of Two hundred pounds, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

November 8, 1784.

Chapter 61.

RESOLVE PENSIONING EDMUND BRITT, AND ENTITLING HIM TO ONE QUARTER PAY AS A SOLDIER. *Chap. 61*

On the representation of John Lucas, Commissary of Pensioners, in the behalf of Edmund Britt, a soldier in Colonel Thomas Nixon's regiment, and in Abel Holden's company, who was wounded the 19th of September, 1777, as appears by his certificate:

Resolved, That the said *Edmund Britt* be entitled to one quarter part of pay as a soldier, from *January 1, 1780*, till further order of the General Court, or Congress.

November 8, 1784.

Chapter 62.

RESOLVE ON THE PETITION OF THE SELECTMEN OF WESTERN, DIRECTING THE TREASURER TO CREDIT THE TOWN THE FINE MENTIONED. *Chap. 62*

On the petition of the Selectmen of Western, setting forth that the town was fined for not raising one three-months man, which they were directed to raise by a resolve of the 30th of June, 1781.

Whereas it appears to this Court that the said town of Western did actually raise the said man:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed, to credit the town of *Western*, Twenty-one pounds one shilling and eleven pence, in the state tax granted in *March, 1783*, it being the fine and bounty for one three-months man.

November 8, 1784.

Chapter 63.

RESOLVE ON THE REPRESENTATION OF THOMAS IVERS, ESQ; RELATIVE TO THE ACCOUNTS OF MESSIEURS PURVIANCE; AND DIRECTING THE COMMITTEE FOR SETTLING LATE BOARD OF WAR ACCOUNTS, &c. TO DELIVER TO THE TREASURER THE SAME ACCOUNTS, AND TO EMPLOY SOME SUITABLE PERSON FOR THE RECOVERY OF THE DEBT. *Chap. 63*

Resolved, That the committee for settling the accounts of the late Board of War, be, and they hereby are directed, to deliver to the Treasurer of the Commonwealth the accounts of the said Board of War against

Samuel Purviance and Robert Purviance, of Baltimore, in the state of Maryland, merchants; and that the Treasurer employ some suitable person to take proper measures to recover from the said Samuel and Robert whatever may be due thereon to this Commonwealth.

Resolved, That the person who shall be employed by the Treasurer as aforesaid, shall have full power and authority to commence any action or actions in the name and behalf of this Commonwealth against the said Samuel and Robert, or either of them, for the recovery of any sum or sums of money due from them, or either of them, to this state; and to prosecute the same either by himself, or his substitute, to final judgment and execution.

November 8, 1784.

Chapter 64.

Chap. 64 RESOLVE EMPOWERING THE GOVERNOR AND COUNCIL TO DRAW WARRANTS IN FAVOUR OF OFFICERS COMMANDING ARTILLERY COMPANIES IN THIS COMMONWEALTH, FOR ERECTING GUN HOUSES, IN ORDER TO DEPOSIT FIELD PIECES, WITH PROVISIO.

Whereas standing armies in time of peace are incompatible with the safety of a free republic; and dangerous to the liberties of the people: The militia of this State, and of the United States, must therefore be considered as of great importance for the defence of the lives, rights and properties of the community. And whereas it is the ardent wish of this Legislature to have a militia respectable and well disciplined, at all times prepared to resist invasions and to repel attacks: Every encouragement should be held out which will have a tendency to preserve the martial spirit of the people, and to promote discipline: The companies of artillery in particular deserving attention, being distinguished by their usefulness and services, it is the determination of this Court to grant them every assistance in their power consistent with their duty: Therefore,

Resolved, That his Excellency the Governor be, and he is hereby empowered and requested, by and with the advice of the Council, to draw a warrant on the Treasurer in favour of the commanding officer of each company of artillery which are already, or that shall hereafter be raised, for a sum not exceeding Twenty pounds; which

sum, drawn as aforesaid, shall be applied for the sole purpose of erecting a gun house, in some convenient place, for the depositing the field pieces, and other military appendages necessary for the same — *Provided*, that the said companies shall be incorporated and equipt agreeable to the militia law of this Commonwealth — *And provided also*, the said commanding officer shall, previous to his receiving the money as aforesaid, give a bond to the Treasurer of this Commonwealth, with sufficient sureties, for the sum of Forty pounds, conditioned for the faithful application of the same, for the purposes hereinbefore directed.

November 8, 1784.

Chapter 65.

RESOLVE APPROVING THE CONDUCT OF THE HONOURABLE FRANCIS DANA, ESQ; A MEMBER OF CONGRESS FOR THIS COMMONWEALTH, IN THE COMMITTEE OF THE STATES, RELATIVE TO THE ADJOURNMENT OF SAID COMMITTEE, AND DIRECTING THE DELEGATES IN THIS CASE.

Chap. 65

Resolved, That the Legislature approve of the conduct of Mr. *Dana*, a member for this Commonwealth, in the Committee of the States, relative to the adjournment of the said Committee; and that the delegates of this Commonwealth be, and hereby are directed, to lay before Congress the doings of the said committee respecting the same adjournment, and the removal of the public papers and records from *Annapolis* to *Philadelphia*, and to request their opinion and order in the premises.

November 9, 1784.

Chapter 66.

RESOLVE ON THE PETITION OF ANDREW BROWN, ESQ; DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY, TO SETTLE WITH THE SAID BROWN HIS ARREARS OF PAY, &c.

Chap. 66

On the petition of Andrew Brown, Esq; an officer in the late mustering department within this State:

Resolved, That the committee for settling with the army be, and hereby are directed, to settle with and pay the said *Andrew Brown*, Esq; for his arrears of pay and year's advance agreeably to the resolve of Congress of the 12th of *October*, 1781.

November 9, 1784.

Chapter 67.

- Chap. 67* RESOLVE ON THE MEMORIAL OF WILLIAM LITHGOW, ESQ; DIRECTING THE TREASURER TO STAY EXECUTIONS AGAINST THE SEVERAL TOWNS IN THE COUNTY OF LINCOLN FOR DEFICIENCIES IN PROCURING MEN AND BEEF, UNTIL THE THIRD WEDNESDAY OF FEBRUARY NEXT.

Whereas the memorial of William Lithgow, jun. Esq; of the 31st day of January, 1784, in behalf of several towns in the county of Lincoln, praying (for reasons set forth in the said memorial) that the said towns may be exempted from the payment of the tax assessed upon them for not procuring their respective quotas of three years and three and five months-men for the army, amounting to the average price of the said respective quotas; and also for the deficiencies in procuring beef, is referred for consideration to the next session of the General Court: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and hereby is directed, to stay execution against the several towns in the said county of *Lincoln*, so far as respects their deficiencies in procuring men and beef, until the third Wednesday in *February* next; any resolve to the contrary notwithstanding.

November 9, 1784.

Chapter 68.

- Chap. 68* RESOLVE ON THE PETITION OF JOSHUA PRAY, DIRECTING EXECUTION FOR TAXES FROM THE INHABITANTS OF SHAPLEIGHTON, IN THE COUNTY OF YORK, TO BE STAYED.

On the petition of Joshua Pray, in behalf of himself and others, setting forth the poverty of the inhabitants of the place known by the name of Shapleighton, adjacent to the town of Lebanon, in the county of York, relative to taxes given him and James Witherell to collect of the said Shapleighton, praying for further time allowed them to collect the same:

Resolved, That executions respecting such a part of said taxes that are now to them respectively due from the inhabitants aforesaid, be stayed until the first day of *May* next; and the Treasurer is directed to govern himself accordingly.

November 9, 1784.

Chapter 69.

RESOLVE ON A MISTAKE ON THE APPORTIONMENT OF THE REPRESENTATIVES PAY BETWEEN THE TOWN OF ACTON AND DISTRICT OF CARLISLE, DIRECTING THE TREASURER FOR HIS GOVERNMENT. *Chap. 69*

Whereas it appears to this Court, that in the apportionment of the Representatives pay in the last state tax, there is a clerical mistake between the town of Acton and district of Carlisle; for remedy whereof,

Resolved, That the sum of Thirty-seven pounds six shillings and one penny, farthing be put to the said town of Acton, instead of Twenty-two pounds fifteen shillings; and there be put to the said district of Carlisle, the sum of Twenty-nine pounds, three shillings and ten pence, three farthings only, instead of Forty-three pounds, fifteen shillings: And the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

November 9, 1784.

Chapter 70.

RESOLVE ON THE PETITION OF BUXTON, DIRECTING THE TREASURER TO DISCHARGE SAID TOWN FROM THE PAYMENT OF A CERTAIN SUM OF MONEY. *Chap. 70*

On the petition of the town of Buxton, setting forth that they are called upon by the Treasurer of this Commonwealth for the payment of the several taxes which were set on the plantation of Narraganset No. 1, from the year 1761 to the year 1772, and praying for an abatement of the said taxes:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to discharge the town of Buxton from the payment of One hundred pounds in part of Two hundred and twenty pounds, one shilling and eight pence three farthings, which sum it appears the said town of Buxton was charged with from the year 1761, to the year 1772, while unincorporated, and which sum never has been assessed on the inhabitants of the then plantation.

November 10, 1784.

Chapter 71.

- Chap. 71* RESOLVE ON THE PETITION OF JOSIAH GLOVER AND OTHERS, INHABITANTS OF SQUANTUM IN DORCHESTER, GIVING THEM LEAVE TO BRING IN A BILL FOR PURPOSES MENTIONED.

On the petition of Josiah Glover, and others, inhabitants of that part of the town of Dorchester commonly known by the name of Squantum, and the farms, praying to be separated from the said town, and to be annexed to the town of Braintree :

Ordered, That the petitioners have leave to bring in a bill for the purpose of separating themselves, together with their estates, from the said town of *Dorchester*, so far only as respects school and parish expences and privileges, and for the purpose of annexing the said petitioners, with their estates, to the said town of *Braintree*, so far only as relates to school expences and privileges, and to the north parish of *Braintree* aforesaid, so far only as regards parish expences and privileges.

November 10, 1784.

Chapter 72.

- Chap. 72* RESOLVE ON THE PETITION OF PRINCE WEST, DIRECTING THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES IN THE COUNTY OF BERKSHIRE, TO GIVE A DEED OF THE LANDS MENTIONED, &c.

Upon the petition of Prince West, praying that he may have a deed of certain tracts of land described in his said petition, lately belonging to John Murray, Esq: an absentee; the said Murray having, in the year 1772, given to the said Prince West, together with one Meletiah Hatch, a bond conditioned for the conveyance of the said tracts of land, on the said West and Hatch's paying him certain sums of money, the greater part of which has been paid to the said Murray :

Resolved, That the prayer of the petition be granted; and that the committee for the sale of absentees estates for the county of *Berkshire*, be, and are hereby empowered and directed, to give and execute to the said *Prince West*, a good and sufficient deed of the several tracts and parcels of land described as aforesaid; the said *Prince West* first giving bond, with sufficient sureties, to the

said committee, for the payment of the sum of One hundred and six pounds, together with the interest which may have arisen thereon from the sixth day of *April*, 1772, to the time of executing the deed as aforesaid.

November 10, 1784.

Chapter 73.

RESOLVE ON THE PETITION OF DAVID TILDEN, OF PEMBROKE, *Chap. 73*
GIVING HIM LEAVE TO ENTER THE COMPLAINT MENTIONED
AT THE SUPREME JUDICIAL COURT.

Upon the petition of David Tilden, of Pembroke, in the county of Plymouth, praying for liberty to enter a complaint at the Supreme Judicial Court, to be held at Boston, the first Tuesday of December next, for the affirmation of a judgment recovered by the said David, as administrator on the estate of Ruth Parrot, late of Boston, deceased, against Stephen Maynard, of Westborough, in the county of Worcester, at a Court of Common Pleas, held on the second Tuesday of June last:

Resolved, That the petitioner, upon giving due notice to him the said *Maynard*, have leave to enter a complaint against him at the Supreme Judicial Court, to be holden by adjournment at *Boston*, within and for the county of *Suffolk*, in *December* next, for the affirmation of a judgment recovered by the said *David*, in his said capacity, against the said *Stephen*, at the Court of Common Pleas as aforesaid: And the said Supreme Judicial Court is hereby authorized to take cognizance of the said complaint, and to affirm the said judgment as of *Worcester* term, in the same manner as if the said complaint had been entered at the Supreme Judicial Court held at *Worcester*, on the third Tuesday of *September* last, and from thence continued to the said Court to be held at the said *Boston*, on the first Tuesday of *December* next, as aforesaid, for judgment to be entered up as of the said *Worcester* term, with the allowance of the same cost as if judgment had been then affirmed. *November 10, 1784.*

Chapter 74.

GRANT OF NINETY-POUNDS TO WILLIAM BAKER, MESSENGER OF THE GENERAL COURT, FOR HIS SERVICES, FROM THE 25TH OF MAY TO THE 26TH OF NOVEMBER. *Chap. 74*

On the petition of William Baker, praying for allowance for his services as messenger to the General Court:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *William Baker*, the sum of Ninety pounds, in full for his services as messenger to the General Court, to the 26th *November*, 1784; it being for one half year from the 25th of *May* last.

November 10, 1784.

Chapter 75.

Chap. 75 GRANT OF FOUR HUNDRED AND FORTY-NINE POUNDS SIX SHILLINGS, TO THE HONOURABLE *ELBRIDGE GERRY*, ESQ; FOR HIS SERVICES AS MEMBER OF CONGRESS.

Resolved, That there be paid out of the treasury of this Commonwealth, to *Elbridge Geary*, Esq; the sum of Four hundred and forty-nine pounds and six shillings, in full for his services and expences as a delegate to Congress, to the twelfth day of *July* last.

November 10, 1784.

Chapter 76.

Chap. 76 RESOLVE DIRECTING THE COMMITTEE FOR SELLING CERTAIN STRIPS OF LAND, IN THE COUNTY OF *YORK*, TO SELL CERTAIN LANDS REMAINING UNSOLD, EITHER AT PUBLIC OR PRIVATE SALE, AND RENDERING VALID ANY DEEDS BY THEM GIVEN.

Resolved, That the committee appointed by a resolve of the General Court, passed the twentieth of *March* last, or the major part of them, be, and they hereby are empowered to sell such of the land remaining unsold as the said committee were directed to sell, either at public or private sale, as heretofore directed; and that any deed or deeds already executed, or that may hereafter be executed by the said committee, or the major part of them, in pursuance of this or the former resolve, shall be valid and effectual, for the purpose of conveying to the grantee or grantees, their heirs and assigns, a complete title to the lands therein respectively mentioned; the actual possession thereof by any other person or persons notwithstanding.

November 10, 1784.

Chapter 77.

Chap. 77 RESOLVE DIRECTING THE COMMON LAW COURTS TO SUSPEND RENDERING JUDGMENT FOR INTEREST ON ACTIONS BROUGHT BY REAL *BRITISH* SUBJECTS, OR ABSENTEES, TO THIRD WEDNESDAY OF THE NEXT SESSION.

Whereas the payment of interest which might have accrued during the late war, upon debts due from the

citizens of this or any of the United States, prior to the commencement of the same, to real British subjects, and others, commonly called absentees, would be not only inequitable and unjust, but also as the Legislature of this Commonwealth conceive repugnant to the spirit and intention of the fourth article in the treaty of peace, which provides only for the payment of bona fide debts; and as the Legislature have taken measures to obtain the sense of Congress upon the said article, so far as the same respects the payment of interest which might have accrued as aforesaid; and in the mean time judgments may be obtained in some of the Courts of law within this Commonwealth for interest accruing as aforesaid, contrary to the true design of the said treaty: Therefore,

Resolved, That in all actions or suits which are or may be instituted or brought to any of the Judicial Courts within this Commonwealth, wherein any real *British* subject or absentee is plaintiff or defendant, and which actions or suits, by the laws thereof, are sustainable therein, the justices of the same Courts are hereby severally directed to suspend rendering judgment for any interest that might have accrued upon the demand contained in such actions or suits, between the 19th day of *April*, 1775, and the 20th day of *January*, 1783, until the third Wednesday of the next sitting of the General Court.

Provided always, That if in any such actions or suits the plaintiff's shall move for, or by default have right to judgment, then and in such case the justices aforesaid shall cause judgment to be entered for the principal sum, which by the laws of this Commonwealth such plaintiff's shall be entitled to recover, and all such interest as accrued thereon before the said 19th day of *April*, and subsequent to said 20th day of *January*, and executions shall issue accordingly; and if Congress shall hereafter determine that the interest which might have accrued on any *bona fide* debt aforesaid during the war, ought by the treaty aforesaid to be considered as part of such debt; then the said Courts respectively shall proceed to enter a further judgment for the amount of all such last mentioned interest without any new process, and issue execution for such further sum accordingly; and all attachments made, or bail given upon any action instituted as

aforesaid, shall be holden to respond the final judgment that may be given for the amount of such last mentioned interest.

November 10, 1784.

Chapter 78.

Chap. 78 ORDERS FOR INSTRUCTING THE DELEGATES TO CONGRESS RELATIVE TO BRITISH SUBJECTS, AND CERTAIN PERSONS WHO LEFT THIS STATE AFTER THE 5TH OCTOBER, 1774.

Ordered, That the delegates representing this Commonwealth in the United States in Congress assembled, be, and they hereby are instructed to desire of Congress their sense on the following question, *viz.* Whether it will consist with the treaty of peace subsisting between *Great Britain* and the United States of *America*, for the Legislature of this Commonwealth, to pass an act debarring *British* subjects, and those persons who left the late province of *Massachusetts Bay*, after the 5th day of *October*, 1774, and before the establishment of the present Constitution of this Commonwealth, and took the protection of the King of *Great Britain*, or his government, fleet or army, or either of them, from recovering any interest which may be supposed to have accrued during the war, on debts contracted before the war? And that the said delegates be further instructed in the name and behalf of this Commonwealth, to request of Congress their sense of the meaning of the words "*bona fide*" debts, as mentioned in the fourth article of the treaty of peace, and particularly whether the same are intended and ought to be construed, to include the interest that would have accrued thereon, had not the war intervened; and to communicate to the Legislature of this Commonwealth the doings of Congress thereon as soon as may be.

November 10, 1784.

Chapter 79.

Chap. 79 RESOLVE EMPOWERING THE COMMISSIONERS ON WESTERN LANDS TO EMPLOY COUNCIL TO ASSIST THEM IN SUPPORTING THE CLAIMS OF THIS COMMONWEALTH, AND VESTING THEM WITH ALL THE POWERS BY A RESOLVE OF 2d JULY LAST.

Whereas Francis Dana, Esq; has declined accepting his appointment as one of the commissioners to support the

right of this Commonwealth to certain lands west of Hudson's River :

Resolved, That *John Lowell* and *James Sullivan*, Esq's. the other persons appointed for the purpose aforesaid, have all the power and authority which by a resolve of the General Court, of the second day of *July* last, was given to the said three commissioners; and that they have authority to employ one other gentleman as counsel in behalf of this Commonwealth, to appear before any Court that may be appointed, agreeable to the confederation, and assist in conducting the claim of this Commonwealth to certain lands, lying west of *Hudson's River*.

November 10, 1784.

Chapter 80.

RESOLVE MAKING PROVISION FOR THE LIGHT HOUSE AT NANTUCKET, AND ESTABLISHING THE PAY OF THE KEEPER, DIRECTING THE COMMISSARY GENERAL, AND GRANTING HIM TWO HUNDRED POUNDS. *Chap. 80*

Whereas his Excellency the Governor, with advice of Council, on the 4th inst, was pleased to appoint Capt. Paul Pinkham, keeper of the light house on the island of Nantucket, and as a proper regulation for the keeping and supplying of the said light house with oil and other materials is indispensibly necessary :

Resolved, That the Commissary General of this Commonwealth be, and he hereby is empowered and directed, to provide for the supplies of the light house on the island of *Nantucket*, (annually) beginning on the first day of *October*, 1784, being the time the said light house was lighted, the following articles, *viz.* Thirty pounds of cotton, twelve cords of wood, and oil in such quantities as may from time to time be found necessary for the said light.

Be it further Resolved, That there be paid out of the treasury of this Commonwealth to the Commissary General, Two hundred pounds, to enable him to furnish the several articles enumerated, he to be accountable for the expenditure of the same.

And be it further Resolved, That there be allowed and paid out of the treasury of this Commonwealth to the keeper of the said light house, for himself and one assistant for the time being, Seventy-five pounds per annum, from and after the first day of *October*, 1784.

November 10, 1784.

Chapter 81.

Chap. 81 RESOLVE ON THE MEMORIAL OF *RICHARD DEVENS, ESQ;* COMMISSARY GENERAL, GRANTING HIM ONE THOUSAND AND EIGHTY-NINE POUNDS FIFTEEN SHILLINGS AND FIVE PENCE, FOR THE ERECTING A LIGHT HOUSE, AND A SMALL HOUSE, AT NANTUCKET.

On the memorial of Richard Devens, Esq; Commissary General, praying allowance and payment of his account for erecting a light house, and a small house for the keeper on the island of Nantucket, pursuant to a resolve of the General Court, passed the fifth day of February, 1784: Whereas the said accounts appear right cast and well vouched:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Richard Devens, Esq;* Commissary General, the sum of One thousand and eighty-nine pounds fifteen shillings and five-pence, which together with Three hundred pounds which he has already received, is in full discharge of the said accounts.

November 11, 1784.

Chapter 82.

Chap. 82 RESOLVE APPOINTING *HUGH ORR, CALEB DAVIS* AND *RICHARD DEVENS, ESQ'RS.* A COMMITTEE TO ATTEND THE SALE OF THE CONTINENTAL MILITARY STORES, AND TO MAKE PURCHASES OF THE SAME.

Whereas it is the good policy of every wise government, in time of peace, to prepare for as the most probable means of preventing war: And whereas there are great quantities of ordnance and military stores advertized for public sale, in Boston, on Wednesday the 17th of the present month:

Resolved, That *Hugh Orr* and *Caleb Davis, Esq'rs.* and *Richard Devens, Esq;* Commissary General, be, and they are hereby appointed a committee to attend the said sales; and they, or any two of them, are hereby empowered to purchase, for account and for the use of this Commonwealth, such of the said stores, not perishable, as may be in their opinion for the interest and safety of the same, and them to have removed and secured in some suitable place in *Watertown.*

Resolved, That there be paid out of treasury of this Commonwealth to the said committee, such public securi-

ties as may be sufficient to enable them to pay for the stores they may purchase as aforesaid; also such sums in specie as may enable them to pay for the removing and securing the same; the said committee being accountable to the General Court at their next sitting.

November 11, 1784.

Chapter 83.

RESOLVE CONSTITUTING JOHN LOWELL AND JAMES SULLIVAN, ESQ'RS., LAWFUL AGENTS TO REPRESENT THIS STATE IN CONGRESS ON THE FIRST OF DECEMBER NEXT, ON THE SUBJECT OF CERTAIN LANDS TO WHICH THE STATE OF NEW-YORK SET UP A CLAIM, AND GIVING INSTRUCTIONS TO SAID AGENTS. Chap. 83

Whereas the Legislature of this Commonwealth, by their petition to Congress on the twenty-seventh day of May last past, alledged that certain lands to which the State of New York set up a claim, were the just and proper right of this Commonwealth; and Congress having given notice thereof to the said State, and appointed the first Monday of December next to proceed in the premises, as by the article of confederation and perpetual union is directed:

Resolved, That the Honourable John Lowell and James Sullivan, Esq'rs., with the Delegates who shall actually represent this Commonwealth in Congress on the first day of December next, or the major part of the persons before mentioned, be, and they hereby are, constituted the lawful agents of this State, and are authorized and empowered, with such agent or agents as are or may be empowered therefor, on the part and behalf of the State of New York, to appoint by joint consent, Commissioners or judges to constitute a Court for hearing and determining the claims of the same State and of this Commonwealth, to the lands mentioned and described in the petition aforesaid; and in case the said State of New York shall neglect to attend by their agent or agents at the time appointed therefor by Congress, or if attending the agent or agents of the said State and of this Commonwealth, cannot agree to appoint by joint consent, Commissioners or judges for the purpose aforesaid, then the said agents of this Commonwealth, or the major part of them, are hereby authorized and empowered to do and transact all matters and things whatsoever, which by the said articles of confederation and perpetual union, are made

necessary to be done and transacted on the part of this Commonwealth, for the appointment of Commissioners or judges for the purpose aforesaid. *November 11, 1784.*

Chapter 84.

Chap. 84 RESOLVE EMPOWERING SAMUEL PHILLIPS, JUNIOR, NATHANIEL WELLS, AND NATHAN DANE, ESQ'RS., A COMMITTEE APPOINTED 28TH OF OCTOBER, 1783, TO EXAMINE INTO THE ILLEGAL ENTRIES UPON THE UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN, TO SELL CERTAIN STRIPS OF SAID LAND, &c.

Resolved, That *Samuel Phillips, Junior, Nathaniel Wells and Nathan Dane, Esq'rs.*, a Committee appointed by a resolve of the General Court of the twenty-eighth day of *October, 1783*, to examine into the illegal entries upon the unappropriated lands in the county of *Lincoln*, or any two of them, be, and they are, hereby fully authorized and empowered at their discretion, to sell any strips or other pieces of unappropriated land belonging to this Commonwealth, in the said county of *Lincoln*, as well as those the said Committee were by former resolves empowered to sell, for the most they may be able to get for the same, either at private sale or public auction, and to make and duly to execute good and lawful deeds of all such lands as the said Committee or any two of them may agree to dispose of, which shall make a good and sufficient title in law to the grantees, their heirs and assigns respectively, any person or persons being in the actual possession thereof notwithstanding.

Resolved, That the said Committee be, and they are, hereby directed to proceed in laying out townships from time to time, and at such times and in such manner as they shall find most beneficial to this Commonwealth; any resolve to the contrary notwithstanding.

November 11, 1784.

Chapter 85.

Chap. 85 RESOLVE ON THE PETITION OF HENRY PURKITT AND OTHERS, PRIVATES IN COLONEL SHELTON'S CORPS OF LIGHT DRAGOONS, DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO CERTIFY, &c.

On the petition of Henry Purkitt and others, privates in Colonel Sheldon's corps of light dragoons, and of John

Lenan and William Jones, soldiers in Colonel Hazen's regiment, praying for a bounty of twenty pounds, promised them by a resolve of the General Court of June 11, 1779, for enlisting into the Continental Army for three years or during the war, which bounty (they say) they have never received:

Resolved, That on the said petitioners making it appear, to the satisfaction of the Committee for settling with the army, that they enlisted into the Continental Army for three years or during the war, that they have been credited to this Commonwealth as part of their quota of troops for the Continental Army, and that they have been honourably discharged and have never received the said bounty, the said Committee be, and they hereby are, directed to certify the same to the Governor and Council, who are hereby requested to grant a warrant on the Treasurer for the same, to each person so certified, to be paid in two Treasurer's notes of Ten pounds each; the said notes to be dated the first of *January*, 1784, one payable in the year 1787, the other in the year 1788, on interest.

And whereas there may be other soldiers in other regiments of the Continental Army in like circumstances, and who have a just right to the said bounty, in case they have not received it already:

It is further resolved, That any soldier, who is entitled to the said bounty and has not received it, on applying to the said Committee, and complying with the terms prescribed in the foregoing resolve, the Committee are hereby directed to certify them, and the Governor and Council to grant warrants therefor, in the same manner as is directed in the foregoing resolve, for the petitioners.

November 11, 1784.

Chapter 86.

RESOLVE ON THE PETITION OF DAVID NYE, PERMITTING HIM TO ENTER HIS APPEAL FROM THE JUDGMENT OF THE MARITIME COURT, AT THE SUPREME JUDICIAL COURT, TO BE HOLDEN AT BARNSTABLE, IN MAY NEXT, FOR REASONS MENTIONED.

Chap. 86

On the petition of David Nye, setting forth that the said Nye, with others, a few months before the close of the late war, attacked, took and brought into port, the schooner called the Peppercellborough, William Todd, master, and laden

with lumber, which with her cargo was libelled by the said Nye, in behalf of himself and others, in the Maritime Court for the Southern District, and claimed by the said Todd; that the cause was there tried, and a verdict for the claimant, from which the memorialist appealed to the Supreme Judicial Court, next to be holden at Barnstable, in and for the county of Barnstable; but for certain reasons in the said petition mentioned, did not enter his appeal, and praying that he may now have permission to enter his appeal from the Maritime Court aforesaid, at the Supreme Judicial Court, next to be holden at Barnstable, in and for the county of Barnstable:

Resolved, That the prayer of the said petition be granted; and that the said Nye have permission to enter his appeal from the judgment of the Maritime Court aforesaid, at the Supreme Judicial Court, to be holden at Barnstable, in and for the county of Barnstable, on Wednesday next preceding the third Tuesday of May next; which Court is hereby empowered to sustain the said appeal; and the same proceedings may be had thereon, as if the said appeal had been seasonably entered according to law, viz.: at the Supreme Judicial Court holden at Barnstable aforesaid, on Wednesday next preceding the third Tuesday of May, in the year of our Lord, 1783, being the term of the said Court to which the said Nye appealed as aforesaid. November 11, 1784.

Chapter 87.

Chap. 87 RESOLVE ON THE PETITION OF THOMAS DWIGHT, IN BEHALF OF THE TOWN OF SPRINGFIELD, PERMITTING HIM TO EXHIBIT BEEF RECEIPTS: AND EMPOWERING THE GOVERNOR AND COUNCIL IN THIS CASE.

On the petition of Thomas Dwight, in behalf of the town of Springfield, setting forth that the said town procured the beef required by the resolves of the General Court, but have not (through some mistake) returned the receipts therefor, agreeable to the orders of Government; and that execution hath issued against the said town; and praying that the said receipts may now be exhibited for examination and allowance:

Resolved, That the town of Springfield be permitted to exhibit the said receipts of beef to the Secretary, any time before the 25th of November instant; and the

Governor and Council are hereby empowered to receive and examine the said receipts in the same manner and on the same condition as if the same had been exhibited in due season.

November 11, 1784.

Chapter 88.

RESOLVE AUTHORIZING *PETER PUTNAM*, TO COLLECT CERTAIN TAXES MENTIONED, IN THE TOWN OF *DANVERS*. *Chap. 88*

Whereas it appears to this Court, that the town of Danvers, on the 18th day of October last, made choice of Peter Putnam a Collector of taxes, to complete the collecting of all such taxes as have been committed to his father, John Putnam, to collect, (he the said John being unable to collect the same) and the said John prays that the said Peter may be empowered to collect the said taxes, he the said John to be accountable therefor: Therefore,

Resolved, That Peter Putnam, son of John Putnam, one of the Collectors of taxes for the town of Danvers, be, and hereby is, fully authorized and empowered to demand and recover all such sum or sums of money contained in the list or lists of assessment committed to the said John Putnam to collect, which remain unpaid; and he, the said Peter, being first sworn faithfully to discharge the said trust, is hereby fully empowered to serve and execute the same warrant or warrants for collecting the said taxes that have been directed to the said John for that purpose, as effectually as he, the said Peter, might have done in case the same had been originally to him directed, so far as relates to collecting the said taxes; and he, the said Peter, shall pay the money when collected, to John Putnam, his said father, who shall be held accountable for the same, in the same manner he was before the passing this resolve.

November 11, 1784.

Chapter 89.

RESOLVE ON THE PETITION OF THE FIRST PARISH IN *CAMBRIDGE*, CONFIRMING THE ASSESSMENTS, AND EMPOWERING THE ASSESSORS OF SAID PARISH TO ASSESS. *Chap. 89*

On the petition of the First Parish in Cambridge:

Resolved, That the assessment mentioned in the petition of the inhabitants of the First Parish in Cambridge, be, and it is, hereby declared to be ratified and

confirmed, so that the same shall be deemed, held and taken, in all Courts of law, good and valid; the objections thereto stated in the said petition notwithstanding.

And be it further Resolved, That the Assessors of the said First Parish in *Cambridge*, for the time being, be, and they are hereby authorized in any future assessment by them to be made, to adhere to the practice of their predecessors, in omitting to assess such lands and persons living thereupon as have never been assessed in the said parish, until the dispute between that and the Second Parish in *Cambridge*, relative to the bounds between the same parishes, shall according to their proposal be amicably, or otherwise adjusted and settled.

Provided always, That this resolution shall not be construed so as to affect the right of either parish, or to prevent their trying the same in a due course of law when they shall think proper so to do. *November 11, 1784.*

Chapter 90.

Chap. 90 RESOLVE ON THE PETITION OF *MARY COFFIN*, AUTHORIZING HER TO MAKE SALE OF ALL THE REAL ESTATE MENTIONED.

Upon the petition of Mary Coffin, shewing that her daughter Margaret Coffin, a minor, is seized of one fourth part of a small farm, in Woburn, by the sale of which the interest of the said Margaret would be much advanced: Therefore,

Resolved, That the said *Mary Coffin* be, and she hereby is, authorized and empowered to make sale of all the real estate of which the said *Margaret* is seized in common with said *Mary* and others, by deed from *Thomas Austin Coffin*, and situated in *Woburn*; she first giving bonds to the Judge of Probate, for the county of *Suffolk*, to account with the said *Margaret*, when she shall arrive at full age, for the proceeds of said sale, with interest therefor.

November 11, 1784.

Chapter 91.

Chap. 91 RESOLVE ON THE PETITION OF *ESTHER FREEBORN*, EMPOWERING THE GUARDIANS TO SELL THE LAND MENTIONED.

On the petition of Esther Freeborn, Indian woman, praying for liberty to sell about four acres of land, in

Grafton, in the county of Worcester, for reasons set forth in the said petition :

Resolved, That *Edward Rawson* and *Willis Hall*, Esq's., guardians to the *Grafton Indians*, be, and hereby are, empowered to sell the said land for the most the same will fetch, and to make and execute in their said capacity a good and lawful deed or deeds of the same, to the purchaser or purchasers thereof; the proceeds of the said sale to be applied for the support of the said *Esther Freeborn*, and family, as mentioned in the said petition, under the directions of the said guardians, they to be accountable to the General Court for the expenditure thereof.

November 11, 1784.

Chapter 92.

GRANT TO THE PRESIDENT, SPEAKER, AND TO THE CLERKS OF THE SENATE AND HOUSE. *Chap. 92*

Resolved, That there be granted and paid out of the public treasury of this Commonwealth to the Hon. *Samuel Adams*, Esq; President of the Senate, the sum of Six shillings per day, for each day's attendance the present session of the General Court; and also to the Hon. *Samuel A. Otis*, Esq; Speaker of the House of Representatives, the sum of Six shillings per day, for each day's attendance on the General Court the present session, over and above their respective pay as members of the General Court.

And it is further resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives; and also to *Thomas Edwards*, Esq; Clerk of the Honourable Senate; the sum of Thirty pounds each, in part for their services the present year.

November 11, 1784.

Chapter 93.

ORDERED THAT THE SECRETARY AND COMMISSARY GENERAL GIVE NOTICE TO *SAMUEL HODGDON*, ESQ; COMMISSARY OF MILITARY STORES, OF ALL THE STORES BELONGING TO THE UNITED STATES IN THIS COMMONWEALTH. *Chap. 93*

Ordered, That the Secretary and Commissary General be, and they hereby are, directed to give notice to *Sam-*

uel Hodgdon, Esq; Commissary of military stores, of all the stores which belong to the United States that are within this Commonwealth, of which they have received any return, or which have come to their knowledge.

November 12, 1784.

Chapter 94.

Chap. 94 ORDER DIRECTING THE DELEGATES OF THIS STATE TO BE PRESENT IN CONGRESS ON THE FIRST OF *DECEMBER* NEXT; AND THE SECRETARY TO NOTIFY THE SAID DELEGATES.

Ordered, That the Delegates of this Commonwealth to Congress be, and they hereby are, severally directed to be present in Congress on the first day of *December* next; and the Secretary is directed to serve each of the said Delegates with an attested copy of this order.

November 12, 1784.

Chapter 95.

Chap. 95 RESOLVE ON THE PETITION OF *JOHN GARDNER*, SHERIFF OF THE COUNTY OF *NANTUCKET*, RENDERING VALID ALL HIS ACTS AND DOINGS PREVIOUS TO HIS GIVING BOND.

Upon the petition of John Gardner, Sheriff of the county of Nantucket, representing that the act of the Legislature requiring the Sheriffs of the several counties in this Commonwealth to give good and sufficient bonds for the faithful performance of their duty to the Treasurer of the said Commonwealth, before the next session of the Court of Common Pleas in the respective counties, did and could not, from certain inevitable circumstances, come to the knowledge of the said act till a Court of Common Pleas had been held in the said county of Nantucket, and that he officiated in his said office without complying with the requisition of the act aforesaid: Therefore,

Resolved, That all the acts and doings of the said *John Gardner*, in his said office of Sheriff, prior to his giving bonds, agreeable to the requisition of the act aforesaid, be, and are, hereby rendered to all intents and purposes, as valid in law as if the said *John Gardner* had given bonds within the time prescribed by the said act.

November 12, 1784.

Chapter 96.

RESOLVE GRANTING SEVEN HUNDRED POUNDS FOR DEFRAY-
ING THE NECESSARY CHARGES OF THE COUNTY OF MID-
DLESEX. Chap. 96

On the representation of the Justices of the Court of General Sessions of the Peace for the county of Middlesex :

Resolved, That there be, and hereby is granted a tax of Seven hundred pounds for defraying the necessary charges of the said county of *Middlesex*, to be levied on the polls and estates of the several towns and districts in the said county: And the Clerk of the said Court is hereby authorized and empowered to apportion the said sum on the several towns and districts in the said county; and issue his warrant directed to the Selectmen or Assessors for each respective town and district's proportion of the same, agreeable to the laws of this Commonwealth, for defraying, levying and collecting county taxes, and paying the same to the treasurer of the said county, agreeable to his warrant for that purpose.

November 12, 1784.

Chapter 97.

RESOLVE ON THE PETITION OF EBENEZER CRAFTS, ESQ; IN
BEHALF OF THE TOWN OF STURBRIDGE, DIRECTING THE
TREASURER TO RECALL HIS EXECUTION FOR BEEF, AND
GRANTING SEVEN POUNDS, THREE SHILLINGS AND EIGHT
PENCE IN FULL FOR OVER PAY IN BEEF. Chap. 97

On the petition of Ebenezer Crafts, Esq; in behalf of the town of Sturbridge, praying that an execution against the said town for part of their quota of beef may be recalled, and that the said town may be allowed for four hundred and thirty-one weight of beef that the said town hath found more than their quota, their receipt for the same failing of being seasonably returned notwithstanding, for reasons set forth in the said petition.

And whereas the said Ebenezer Crafts hath made it appear to the satisfaction of this Court, that the said town of Sturbridge did seasonably pay and deliver four hundred and thirty-one weight of beef over and above the quota set on the said town: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to recall the execution he has issued against the said town of *Sturbridge*, they paying the said Sheriff's fees, and that no further process be had thereon.

And be it further resolved, That there be paid out of the treasury of this Commonwealth to the petitioner aforesaid, for the use of the said town of *Sturbridge*, the sum of Seven pounds, three shillings and eight pence, in full for the said four hundred and thirty-one weight of beef aforesaid.

November 12, 1784.

Chapter 98.

Chap. 98 RESOLVE ON THE PETITION OF *ELIPHAZ STEARNS*, IN BEHALF OF THE TOWN OF *DOUGLASS*, REMITTING A FINE LAID ON SAID TOWN FOR NOT SENDING A REPRESENTATIVE.

On the petition of Eliphaz Stearns, in behalf of the town of Douglass, praying for an abatement of the sum of twenty pounds, being a fine laid on the said town for not sending a Representative in the year 1782 :

Resolved, That there be paid out of the treasury of this Commonwealth, to the said town of *Douglass*, the sum of Ten pounds, being the one half of the said fine.

November 12, 1784.

Chapter 99.

Chap. 99 RESOLVE ON THE PETITION OF THE SELECTMEN, IN BEHALF OF THE INHABITANTS OF *MILFORD*, ABATING A FINE FOR NOT SENDING A REPRESENTATIVE FOR 1781 AND 1782.

On the petition of the Selectmen, in behalf of the inhabitants of Milford, praying for an abatement of the fine for not sending a Representative for the years 1781 and 1782, for reasons set forth in the petition :

Resolved, That the prayer of the petition be so far granted, as that Twenty-five pounds of said fines be abated ; and that the Treasurer be, and he is hereby directed to discharge the town of *Milford* the aforesaid sum, in the tax granted in 1783.

November 12, 1784.

Chapter 100.

RESOLVE ALLOWING OLIVER PHELPS TO RECEIVE RECEIPTS *Chap.100*
FOR BEEF FROM THE SECRETARY GIVEN BY THE SEVERAL
AGENTS, TAKING HIS RECEIPT FOR THE SAME.

Whereas it has been represented to this Court, that the accounts of the agents in the several counties for collecting beef under Oliver Phelps, Esq; have not been completely settled:

Resolved, That Oliver Phelps, Esq; be allowed to receive from the Secretary's office the receipts given by the agents aforesaid, in order to check the accounts of the said agents with the accounts by them exhibited to the said Phelps. And the Secretary is hereby directed to make a list of the said receipts, and deliver them to Oliver Phelps, Esq; taking his receipt therefor.

November 12, 1784.

Chapter 101.

RESOLVE ABATING CERTAIN TOWNS IN THE COUNTY OF *Chap.101*
LINCOLN.

Whereas there is large sums in taxes due from the several towns and plantations in the county of Lincoln, hereafter mentioned, and by reason of their being in the neighbourhood of the enemy for several years past, they are unable to pay the whole of the said taxes: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to recall all the warrants that have issued from the said office to said towns and plantations, for taxes previous to the first day of June last, and which have not been paid into the said office; and issue his warrants to the Assessors of the said towns and plantations for the sums respectively set against them, viz.

Newcastle, Five hundred and seventeen pounds, ten shillings.

Waldoboro', Six hundred and fifty-five pounds, ten shillings.

Boothbay, Four hundred and ninety-six pounds, fifteen shillings.

Bristol, Seven hundred and ninety-three pounds, ten shillings.

Edgecombe, Four hundred and eleven pounds, ten shillings.

Warren, Two hundred and twenty-four pounds, five shillings.

Thomaston, Two hundred and fifty-five pounds, six shillings.

Walpole, Two hundred and seven pounds.

Sterlington, Fifty-eight pounds, ten shillings.

St. George's, Three hundred and ninety-three pounds, sixteen shillings.

Medumcook, Ninety-four pounds, sixteen shillings.

Also, *Resolved*, That the Assessors of the aforesaid towns and plantations severally, be, and they hereby are, directed to assess the same in the following manner, *viz.*: Twenty-three shillings on each rateable poll, and the remainder on the estates, real and personal, in the same manner as hath heretofore been required.

And be it further Resolved, That the sheriff of the said county of *Lincoln*, be, and he hereby is, directed to make return of all executions now in his hands, from the Treasurer aforesaid, against the towns and plantations aforesaid, with the monies he has already received.

And be it further Resolved, That the sum paid by either of the said towns to the sheriff aforesaid, in part of taxes assessed previous to the first day of *June* last, be deducted from the tax to be assessed as aforesaid.

November 12, 1784.

Chapter 102.

Chap. 102 RESOLVE FOR BRINGING DELINQUENT SHERIFFS AND COLLECTORS TO ACCOUNT, DIRECTING THE TREASURER IN THIS CASE.

Whereas it is represented to this Court that several Sheriffs to whom executions have been committed against delinquent Collectors, and many Collectors in the several towns and other places in this Commonwealth, have public monies in their hands, and unreasonably and unjustly detain the same for their own emolument, to the great discredit of the Commonwealth and the injury of the creditors thereof: For remedy whereof,

Resolved, That the Treasurer be, and he is, hereby directed forthwith to compel and enforce such delinquent

Sheriffs and Collectors to an immediate settlement, as shall appear to him to have detained public monies as aforesaid.

And whereas it is further represented, that there are now outstanding in the hands of Sheriffs and Collectors, receipts, orders and due bills heretofore issued by the former and present Treasurer, which it is absolutely necessary should be immediately brought into the treasury in order to compleat a settlement with the late Treasurer's administrator, and to know the true state of the treasury: Therefore,

Resolved, That the Treasurer be, and he is, hereby directed to call on all Sheriffs and Collectors who have in their hands such receipts, orders and due bills, to bring the same into the treasury; and in case the said Sheriffs and Collectors shall neglect or refuse to return the said receipts, orders and due bills, into the treasury, by the first day of *February* next ensuing, the Treasurer is further directed to compel such delinquents to a settlement: And the said Treasurer is further directed to transmit complaints to the Clerks of the Courts of General Sessions of the Peace, in the several counties of this Commonwealth, against such towns and plantations as have neglected to make returns to him of the names of the Collectors of such towns and plantations of whom the said Treasurer has required any assessments; and the said Treasurer is directed to lay before the General Court on the fourth Wednesday of the next sitting thereof, his doings herein, and an account of the amount of all such receipts, orders and due bills, and payments, as may be by him received before the said day.

November 12, 1784.

Chapter 103.

RESOLVE DIRECTING SHERIFFS AND DEPUTY SHERIFFS, NOT TO RECEIVE PUBLIC SECURITIES OR CERTIFICATES FROM COLLECTORS OF TAXES, UNLESS — AND DIRECTING THE TREASURER IN THIS CASE.

Chap. 103

Whereas there is reason to apprehend that the public credit has suffered by public officers in certain cases, making an undue use of public money:

Resolved, That all Sheriffs and Deputy Sheriffs be, and they are hereby directed not to receive any public certificates or securities from any Collector, unless the said

Collector shall, before some Justice of the Peace, take the following oath, *viz.*

I, *A. B.* do swear, that all the certificates and securities now offered by me, to the amount of _____ were received from the persons named in my rate list, in discharge of the taxes committed to me to collect, or otherwise without any discount or premium whatever. So help me GOD.

And the Justice before whom such oath shall be taken, shall give a certificate purporting that the oath by this resolve prescribed was taken before him, and shall therein express the sum mentioned in the said oath; which certificate shall be delivered with the said public certificates and securities to the sheriff, and by him to the Treasurer.

And it is further Resolved, That the Treasurer shall not receive from any Sheriff or Deputy Sheriff any more public certificates or securities in discharge of executions, than shall be the amount of the sums expressed in the Justices certificates which shall accompany the same, unless the Sheriff or Deputy Sheriff shall take an oath, either before the Treasurer, or shall send a certificate thereof to the Treasurer, that the residue (expressing the sum) was received without any discount or premium whatever.

Resolved, That the Treasurer shall not receive from any Collector any public certificates or securities, unless the Collector shall before him take the oath above prescribed.

Provided nevertheless, When the Collector shall send the certificates or securities to the treasury by another person, the said Collector shall take the oath above prescribed, before some Justice of the Peace, who shall deliver to such Collector a certificate thereof, specifying the sum sworn to as above directed, which shall be transmitted with the said public certificates and securities to the treasury, and so much only in the said public certificates and securities shall be received by the Treasurer as is expressed in the certificates given by the Justice; and no fees shall be received by any Justice for administering the oath or giving the certificate hereby required.

November 13, 1784.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY, THE TWENTY-SIXTH DAY OF MAY, ANNO DOMINI, 1784; AND FROM THENCE CONTINUED, BY ADJOURNMENTS, TO WEDNESDAY, THE NINETEENTH DAY OF JANUARY, 1785.

1784. — JANUARY SESSION.

Chapter 1.

RESOLVE ENTITLING JOSIAH JONES TO ONE HALF PAY AS A SOLDIER. *Chap. 1*

On the representation of John Lucas, Commissary of Pensioners, in behalf of Josiah Jones, a soldier, who was wounded in the service of the United States:

Resolved, That the said *Josiah Jones* be entitled to one half part of pay as a soldier, from *June* the tenth, one thousand seven hundred and eighty-one, till the further order of the General Court or Congress.

January 21, 1785.

Chapter 2.

RESOLVE ON THE PETITION OF MICAH RALPH, AN INDIAN, EMPOWERING HIM TO MAKE SALE OF A CERTAIN PIECE OF LAND. *Chap. 2*

On the petition of Micah Ralph, an Indian, praying for liberty to sell a certain piece of land, for reasons mentioned in the said petition:

Resolved, That the prayer of the said petition be granted, and that the said *Micah* be, and hereby is, fully empowered to make sale of all the land mentioned in the

said petition, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, any law to the contrary notwithstanding.

January 21, 1785.

Chapter 3.

Chap. 3 RESOLVE ON THE PETITION OF THOMAS PECHAQUE, EMPOWERING HIM TO SELL EIGHT ACRES OF LAND.

On the petition of Thomas Pechaque, Indian man, praying for liberty to sell about eight acres of land, as mentioned in the said petition:

Resolved, That the prayer of the said petition be granted, and that the said *Thomas* be, and hereby is, empowered to make sale of the land aforesaid, at the value it shall be apprizd by the Rev. *Zachariah Mayhew* and Mr. *Elijah Smith*, of *Chilmark*, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof, they paying the said *Thomas* the sum at which it shall be apprizd by the aforesaid *Mayhew* and *Smith*; any law to the contrary notwithstanding.

January 21, 1785.

Chapter 4.

Chap. 4 RESOLVE ON THE PETITION OF DENNIS FERNALD, ESQ; EMPOWERING HIM TO SELL THE REAL ESTATE MENTIONED.

On the petition of Dennis Fernald, Esq; executor of the last will and testament of Tobias Fernald, late of Kittery, in the county of York, deceased, praying (for reasons set forth in his said petition) for liberty to make sale of such a part of the real estate of the said deceased, as will be sufficient to discharge the debts due therefrom, without disposing of a number of state notes belonging to the said estate:

Resolved, That the said *Dennis* be, and he is hereby authorized and empowered to sell so much of the real estate of the said *Tobias* as will be sufficient, together with the personal estate of the said *Tobias* (exclusive of government securities) to discharge the debts due from the said estate, and to give and execute a good and lawful deed or deeds of the same; he, the said *Dennis*, first giving bond with sufficient sureties to the Judge of Pro-

bate for the said county, to observe the rules prescribed by law for the sale of real estates by executors or administrators.

January 22, 1785.

Chapter 5.

RESOLVE ON THE PETITION OF SAMUEL WARD, AND OTHERS, *Chap. 5*
DISCHARGING THEM FROM THEIR TRUST AS MANAGERS OF
LANCASTER LOTTERY, AND APPOINTING OTHERS IN THEIR
STEAD.

On the petition of Messrs. Samuel Ward, Israel Atherton and Josiah Wilder, managers of the lottery granted for repairing and making good the public bridges and causeways in the town of Lancaster, praying to be discharged from their trust, on finishing the business of the three first classes, and that others may be appointed in their stead:

Resolved, That Ephraim Carter, jun., Edmund Heard and Jonathan Wilder, of Lancaster aforesaid, be, and they hereby are appointed sole managers of all the future and succeeding classes of the said lottery, they taking the oath enjoined on managers by the act granting the same; and the said Ephraim, Edmund and Jonathan, shall thereupon conform to all other rules and regulations in the same act prescribed or directed, and shall be subject to all the suits and penalties to which the managers first aforesaid would have been subject in managing the said future and succeeding classes; and that on the said Ephraim's, Edmund's and Jonathan's taking the aforesaid oaths, and the said Samuel's, Israel's and Josiah's finishing and compleating the business of the aforesaid three classes, in the manner directed by the said act, on the last drawing of the said lottery, they, the said Samuel, Israel and Josiah, shall, by virtue hereof, be discharged from their aforesaid office, business and trust.

January 22, 1785.

Chapter 6.

RESOLVE ON THE PETITION OF RICHARD PATTEN, DIRECTING *Chap. 6*
THE TREASURER TO DELIVER HIM NOTES OF THE SAME
TENOR, AND TO TAKE AN ACCOUNT OF THE NUMBER AND
DATE OF THE NOTES FRAUDULENTLY TAKEN.

On the petition of Richard Patten, a soldier in the corps of invalids in the Continental Army, setting forth that some person had fraudulently personated him, the said

Richard, with a certificate from Mr. Lucas, Commissary of Pensioners, and has drawn notes for the pay for his service, and praying that notes may be issued to him equal to those to which he was entitled :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to make out and deliver to *Richard Patten*, notes of the same tenor and for the same sum that the notes were of to which the said *Richard* was entitled ; and the Treasurer is hereby directed to take an account of the number and date of the notes fraudulently taken out of the treasury as aforesaid, and such other methods as shall appear to him most likely to detect the fraud.

January 22, 1785.

Chapter 7.

Chap. 7 RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF *BRISTOL*, AND GRANTING A TAX OF ONE THOUSAND FIVE HUNDRED POUNDS FOR DEFRAYING THE CHARGES OF SAID COUNTY.

On the petition of the Court of General Sessions of the Peace for the county of Bristol.

Whereas it appears upon the examination of the Treasurer's accounts for the same county, that they are right cast and well vouched to September, 1784, and that the monies therein charged were applied for purposes by law allowed : Therefore,

Resolved, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of the said Court, that the sum of *Fifteen hundred pounds* will be needed for the defraying the charges of the said county for one year, together with building a goal, repairing of the Court House, &c. Therefore,

Resolved, That there be, and hereby is, granted a tax of *Fifteen hundred pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and to be collected and paid, and applied for the purposes aforesaid, agreeable to the laws of this Commonwealth.

January 24, 1785.

Chapter 8.

Chap. 8 RESOLVE ENTITLING *RICHARD CROUCH* TO ONE HALF PAY AS A COOPER, FROM THE 1ST OF JUNE, 1782.

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Richard Crouch, cooper of the

Continental, Deane, frigate, who contracted a lameness while in the service of the United States:

Resolved, That the said *Richard Crouch* be entitled to one half pay as a cooper, from the first day of *June*, 1782, till the further order of the General Court or Congress.

January 25, 1785.

Chapter 9.

RESOLVE GRANTING A TAX OF TWO HUNDRED AND FIFTY POUNDS FOR DEFRAYING THE CHARGES IN THE COUNTY OF YORK. *Chap. 9*

On the representation of the Justices of the Court of General Sessions of the Peace for the county of York:

Resolved, That there be, and hereby is, granted a tax of *Two hundred and fifty pounds* for defraying the necessary charges of the said county of *York*, to be apportioned, assessed, collected, paid, and applied agreeably to the laws of the Commonwealth.

January 26, 1785.

Chapter 10.

RESOLVE ON THE PETITION OF LOAMMI BALDWIN, ESQ; SHERIFF OF THE COUNTY OF MIDDLESEX, DIRECTING HIM TO POSTPONE THE SALE OF THE ESTATES MENTIONED, UNTIL 17TH FEBRUARY NEXT. *Chap. 10*

Upon the petition of Loammi Baldwin, Esq; Sheriff of the county of Middlesex, representing the disadvantage of selling for ready money, the estate of Elisha Cutler, upon execution, for a debt due to the Commonwealth:

Resolved, That the said *Baldwin* be, and he hereby is, directed to postpone the sale of the same estate until the 17th day of *February* next, in order that the General Court may give direction respecting the same, and that the said *Baldwin* give public notice thereof.

Resolved, That the same execution shall be, and remain in full force until the said 17th day of *February*, and the sale of the premises then made, be as legal to all intents and purposes, as if the same had been made upon the 27th instant, according to the advertisement thereof by the said Sheriff.

January 26, 1785.

Chapter 11.

- Chap. 11* RESOLVE ON THE PETITION OF EDWARD H. ROBBINS, IN BEHALF OF THE TOWN OF MILTON, CONFIRMING THE CHOICE OF TWO COLLECTORS OF TAXES.

Upon the petition of Edward Hutchinson Robbins, in behalf of the town of Milton, praying that the choice of two Collectors of public taxes for the said town, as made by the inhabitants thereof, at a legal town meeting on the 6th day of January instant, may be qualified and confirmed:

Resolved, That the choice and appointment of Ebenezer Williams and Samuel Horton, made by the inhabitants of the said town on the sixth day of January instant, as Collectors of public taxes for the said town, be, and hereby is, confirmed and made valid, and the said Ebenezer and Samuel upon executing such bond as shall be required by the Selectmen of the said town, and taking the oaths requisite, are hereby severally authorized and empowered to use, exercise, and carry into effect, all the powers and duties which Collectors are by law authorized to, and which they could have done had they been duly appointed in March last, and complied with the several requisites of law.

January 27, 1785.

Chapter 12.

- Chap. 12* RESOLVE ON THE PETITION OF THE SELECTMEN OF FRAMINGHAM, EMPOWERING ABRAHAM BELKNAP TO COLLECT TAXES.

On the petition of the Selectmen of the town of Framingham, praying that Abraham Belknap, might be empowered to collect such taxes as might be committed to him by the Assessors of the said town:

Resolved, That the said Abraham Belknap be, and hereby is fully authorized and empowered to collect any tax or taxes that may be committed to him for that purpose, by the present Assessors of the said town, in the same manner as though the said Abraham had been duly chosen a Collector of taxes for the said town in the month of March last, and also, that he shall be subject to the same penalties, and vested with the same powers as the other Collectors of the said town who were then chosen, are subject to, and vested with.

January 28, 1785.

Chapter 13.

RESOLVE GRANTING A TAX TO BE ASSESSED ON THE INHABITANTS AND ESTATES OF THE COUNTY OF HAMPSHIRE. Chap. 13

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace for the county of Hampshire, made on the second Tuesday of November, 1784, that the sum of Seven hundred pounds will be necessary to discharge the debts of the said county, and for defraying the charges of the said county for one year then next ensuing: Therefore,

Resolved, That there be, and hereby is, granted a tax of Seven hundred pounds, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same; and that the said sum be assessed, collected, and paid into the county treasury on or before the thirty-first day of March next, for the use of the said county, and to be applied and paid out according to the laws of the Commonwealth.

January 28, 1785.

Chapter 14.

RESOLVE ON THE PETITION OF EPHRAIM FAIRBANK, ESQ; IN BEHALF OF BOLTON AND BERLIN, DIRECTING ASSESSORS TO MAKE OUT WARRANTS AGREEABLE TO LAW, AND CONFIRMING THEIR DOINGS. Chap. 14

On the petition of Ephraim Fairbank, Esq; in behalf of the town of Bolton and district of Berlin, shewing that no warrants were given to collect the county tax in the aforesaid town and district, for the year one thousand seven hundred and eighty-one; and praying some persons may be empowered to give to the Constables of the said Bolton, for the same year, warrants for the aforesaid purpose:

Resolved, That the Assessors of Bolton, for the year one thousand seven hundred and eighty-one, be, and they hereby are, empowered and directed to make their warrants in manner and form as by law is directed (mutatis mutandis) to the Constables aforesaid, and to deliver the same to the Constables aforesaid; and the warrants aforesaid, made and delivered as aforesaid, shall be as good and effectual in law, for all future collections, as if the same had been made and delivered to the said Constables with the lists or assessments of the aforesaid tax.

January 28, 1785.

Chapter 15.

Chap. 15 RESOLVE ON THE PETITION OF SHEARJASHUB BOURNE, PERMITTING HIM TO FILE HIS COMPLAINT AGAINST NATHANIEL HARDING.

On the petition of Shearjashub Bourne, of Barnstable, in the county of Barnstable, Esq; praying for liberty to file his complaint upon a default action on a judgment recovered by him against one Nathaniel Harding, as set forth in his said petition, at any Supreme Court in this Commonwealth; he having by unavoidable accident omitted to enter his said complaint at the regular term appointed therefor:

Resolved, That the prayer of the petition be so far granted, that the said *Bourne* have liberty to file his complaint against said *Harding* at the Supreme Judicial Court, next to be holden within and for the said county of *Barnstable*; and that the same Court proceed thereon in the same manner as they might by law have done if the said *Bourne* had entered his said complaint at their sessions in the said county of *Barnstable*, next after the first Tuesday of *December*, Anno Domini 1783; any law, usage or custom to the contrary notwithstanding.

January 28, 1785.

Chapter 16.

Chap. 16 RESOLVE DIRECTING THE COMMISSARY GENERAL TO FURNISH THE LIGHT HOUSE IN THE HARBOUR OF BOSTON, ANNUALLY, WITH COAL, WOOD AND CANDLES, AND MAKING AN ESTABLISHMENT FOR THE KEEPER AND ASSISTANTS, — A GRANT FOR THEIR SERVICES, AND TO THE COMMISSARY GENERAL.

On the petition of Thomas Knox, praying for allowance, &c. for keeping the light house in Boston harbour:

Resolved, That the Commissary General of this Commonwealth be, and he hereby is, directed to supply the said *Thomas Knox* with the following articles for the necessary use of the said light house, viz. : sixty bushels of Charcoal, twelve cords of Wood, and one hundred pounds weight of Candles.

Be it further Resolved, That from the fifth of *December* last, the supplies for the said light house, annually, be as follows, viz. : Charcoal, sixty bushels; Wood, twenty-five cords, and Cotton and Oil in such quantities as from time

to time shall be found necessary; and the Commissary General is directed, annually, to supply the said articles accordingly.

Be it further Resolved, That there be allowed and paid to the keeper of the said light house for the time being, for himself and two assistants, *One hundred and twenty pounds* per annum.

Be it further Resolved, That there be paid out of the treasury of this Commonwealth to *Thomas Knox*, in full of his services, as keeper of the said light house, and that of his assistants, to the fifth day of *December* last, *One hundred and twenty pounds*.

And be it further Resolved, That there be paid out of the treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary General, to enable him to furnish the several articles enumerated in the first of these resolves, *Twenty-four pounds*, he to be accountable for the expenditure of the same.

January 29, 1785.

Chapter 17.

RESOLVE DISCHARGING A CLASS IN TOPSFIELD FROM AN ASSESSMENT LAID ON THEM, AND DIRECTING ASSESSORS AND COLLECTORS OF THAT TOWN TO NOTICE THE SAME.

Chap. 17

On the petition of John Treadwell, in behalf of a class in the town of Topsfield, of which Thomas Porter was head:

Whereas it appears to this Court, that the said petitioners have fully complied with the requisition on them by the resolve of the 2d December, 1780 (excepting the said Thomas Porter, head of the said class): Therefore,

Resolved, That the said class be, and they hereby are, severally discharged from the said assessment, and the Treasurer of this Commonwealth, and the Assessors and collectors of the town of *Topsfield*, are hereby directed to govern themselves accordingly.

January 29, 1785.

Chapter 18.

RESOLVE ON THE PETITION OF THOMAS PORTER, DIRECTING THE TREASURER TO DISCHARGE THE TOWN OF TOPSFIELD FROM ONE HUNDRED AND TWENTY-EIGHT POUNDS, UPON CONDITION, &c.

Chap. 18

Upon the petition of Thomas Porter, shewing, that the town of Topsfield are called upon to pay One hundred and

twenty-eight pounds, for the deficiency of one man, as apportioned upon and required of the said town by a resolve of the 2d of December, 1780: And whereas by another resolve of November 1st, 1782, the said Porter was required to procure a man to supply the said deficiency, or pay the sum of Eighty-five pounds, thirteen shillings, which he hath neglected to do, and the said Porter having prayed the further consideration of this Court thereon:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to discharge the town of *Topsfield* from the payment of the said sum of *One hundred and twenty eight pounds*, the said *Porter* paying into the treasury of this Commonwealth the sum of *Eighty-five pounds, thirteen shillings*, and upon his neglect so to do for the space of forty days, the said Treasurer is hereby directed to issue his execution against the said *Porter* for the said sum of *Eighty-five pounds, thirteen shillings*, agreeably to the said resolve of *November 1st, 1782*, returnable in forty days from the date of the same writ.

January 29, 1785.

Chapter 19.

Chap. 19 RESOLVE ON THE PETITION OF COL. TIMOTHY BIGELOW, GRANTING HIM TWENTY-NINE POUNDS, FOURTEEN SHILLINGS AND NINE PENCE.

On the petition of Timothy Bigelow, Esq; setting forth that in the beginning of the late war he was a Major in a regiment whereof Jonathan Ward, Esq; was Colonel, and was made up in a muster roll for the pay of the said regiment, from the 19th day of April, 1775, for three months and twenty days; that at the time of making up the said roll he was in Canada, and did not return from that place, where he was a prisoner, until the fall of the year 1776, which was the reason of his not receiving his pay at the time the money was due on the said roll; that immediately upon his return his whole time was taken up in raising a regiment in the Continental service, and that he has never applied for his said wages until very lately, when he was informed by the present Treasurer of the said Commonwealth, that he was not at liberty to pay the money upon the former warrant annexed to the said roll, without some further order from this Court, and that he never has received any part of his said wages borne on the said roll.

And whereas it appears, that the said Bigelow was made up in the aforesaid roll for his service aforesaid, the sum of Twenty-nine pounds, fourteen shillings and nine pence, and it doth not appear that he ever has been paid; but that soon after the said warrant was drawn on Henry Gardiner, Esq; then Treasurer of the said Commonwealth, viz.: in June, 1776, the said Gardiner settled his accounts with the said Commonwealth, and was allowed the whole of the said warrant, which included the said Bigelow's wages aforesaid.

Resolved, That the Treasurer of this Commonwealth for the time being, be, and hereby is, directed to pay the aforesaid Timothy Bigelow, Esq; the aforesaid sum of Twenty-nine pounds, fourteen shillings and nine pence, in full for his services as aforesaid, and that the said Treasurer charge the same to the account of the said Commonwealth against the estate of the said Gardiner.

January 29, 1785.

Chapter 20.

RESOLVE ON THE PETITION OF NOAH MCINTIRE, DIRECTING HIM TO MAKE UP A ROLL FOR HIS SERVICES AT BROOKFIELD, AND ALLOWING HIM EIGHT POUNDS FOR NURSING HIS SON.

Chap. 20

On the petition of Noah McIntire, praying for an allowance for wages, doctoring, nursing and providing necessities in sickness for his son, Noah McIntire, jun., who was a draughted soldier for the term of six months, to guard the public stores at Brookfield:

Resolved, That the prayer of the said petition be granted; and that Captain Benjamin Freeman, of Sturbridge, who was the Lieutenant that commanded the guards at Brookfield, in the year 1778, be, and he hereby is, empowered and directed to return into the Secretary's office of this Commonwealth, a muster roll, authenticated in the usual manner; in which roll he is hereby directed to make up the aforesaid Noah McIntire, jun., at forty shillings per month for the six months that he was a draughted soldier in the public service, as set forth in the said petition; and his Excellency the Governor, with advice of Council, is hereby empowered to examine said roll, and pass the same for payment.

And be it further Resolved, That there be paid out of the treasury of this Commonwealth, to the petitioner

aforesaid, the sum of *Eight pounds*, which is to be in full for his providing for, and for the doctoring and nursing of the said *Noah McIntire*, jun., while he was in the service of the United States, and that the same be charged to the said United States.

January 31, 1785.

Chapter 21.

Chap. 21 RESOLVE ON THE PETITION OF *ABIJAH KENDALL*, DIRECTING HIM TO NOTIFY *ROBERT WHITE* TO APPEAR THE SECOND WEDNESDAY OF NEXT SESSION, &c.

On the petition of Abijah Kendall, setting forth, that Robert White hath obtained an erroneous judgment against him:

Resolved, That the petitioner serve the said *Robert* with a copy of his petition and this resolve, fourteen days before the second Wednesday of the next sitting of the General Court; and that the said *Robert* may appear on the same day, and shew cause, if any he hath, why the prayer of the petition should not be granted; and all process on the said judgment shall be stayed in the mean time.

January 31, 1785.

Chapter 22.

Chap. 22 RESOLVE REMITTING TAXES IN *DUKES COUNTY*, ON THE REPRESENTATION OF THE SEVERAL TOWNS IN SAID COUNTY.

On the memorial and petition of the Representatives of the several towns in Dukes County:

Resolved, That the prayer of the petition of *Ebenezer Smith*, *Samuel Norton* and *Shubael Cottle*, Representatives for the several towns in *Dukes County*, be so far granted, that the said towns be exempted from paying any part of the several species of taxes (or fines for not raising of men for supporting the late war) which have been required of them by the General Court of the *Masachusetts*, since the last day of *December*, A. D. 1777, to the first day of *March*, 1783. The said towns are also exempted from paying their several proportions of the tax for three years and three and five months men, set to the said towns in the State Tax granted in *March* A. D. 1783: And the said towns shall be only held severally to pay their equal proportion of the State Tax for the sum of *Two hundred thousand pounds*, granted in *March* afore-

said; and also all the arrearages of taxes due from each of the said towns before the first day of *January*, 1778, excepting such sum or sums of public monies as were taken from the Collector of the town of *Edgartown* by the *British* troops, being part of the monies collected of the inhabitants of the town aforesaid; to discharge their public taxes for the year 1777, viz. *Three hundred thirty-six pounds, five shillings and three pence*, in Continental bills of credit.

January 31, 1785.

[The original papers belonging with this Resolve contain statements of losses sustained by the towns in Dukes County in 1778, etc.]

Chapter 23.

RESOLVE ON THE PETITION OF EZEKIEL KENDALL. DIRECTING HIM TO SERVE BENJAMIN KENT AND OTHERS WITH A COPY OF HIS PETITION AND THIS RESOLVE, &c.

Chap. 23

On the petition of Ezekiel Kendall, setting forth, that Benjamin Kent and others hath obtained an erroneous judgment against him:

Resolved, That the petitioner serve the said *Benjamin Kent* and others with a copy of his petition and this resolve, fourteen days before the second Wednesday of the next sitting of the General Court, that the said *Benjamin Kent* and others may appear on the same day, and shew cause, if any they have, why the prayer of the petitioner should not be granted; and all process on the said judgment shall be stayed in the mean time.

February 1, 1785.

Chapter 24.

RESOLVE ON THE REPRESENTATION OF THE COMMISSARY OF PENSIONERS, ENTITLING EDMUND POTTER TO ONE-THIRD PAY.

Chap. 24

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Edmund Potter, a soldier, who was debilitated while in the service of the United States:

Resolved, That the said *Edmund Potter* be entitled to receive one-third part of pay as a soldier, from the twelfth day of *June*, 1783, till the further order of the General Court or Congress.

February 1, 1785.

Chapter 25.

Chap. 25 RESOLVE ON THE PETITION OF JOHN DARLING, DIRECTING THE TREASURER TO ISSUE NOTES IN HIS FAVOUR, IN LIEU OF OTHERS OBTAINED BY A FORGED ORDER, AND TO PROSECUTE THE OFFENDER.

On the petition of John Darling, setting forth, that wages were due to him for his service as a soldier in the Continental Army; but that, previous to his making application to the Treasurer for his notes, a forged order was presented therefor by one John Baker, and notes made out and delivered accordingly, wherefore he hath never been able to obtain his said wages.

And whereas it appears to this Court that the said order was false and forged: Therefore,

Resolved, That the Treasurer be, and he hereby is directed to issue a note or notes to the said *John Darling*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law; and to take every possible measure for detecting and bringing to justice the perpetrators of the forgery and fraud aforesaid.

February 1, 1785.

Chapter 26.

Chap. 26 RESOLVE ON THE PETITION OF THOMAS STEVENS, GRANTING HIM NOTES IN LIEU OF NOTES OBTAINED BY FORGED ORDER.

On the petition of Thomas Stevens, setting forth, that wages were due to him for his services as a soldier in the Continental Army; but that, previous to his making application to the Treasurer for his notes, a forged order was presented therefor by one Stephen Curtis, and notes made out and delivered accordingly, wherefore he hath never been able to obtain his said wages.

And whereas it appears to this Court that the said order was false and forged: Therefore,

Resolved, That the Treasurer be, and he hereby is directed to issue a note or notes to the said *Thomas Stevens*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law; and take every possible measure for detecting and bringing to justice the perpetrators of the forgery and fraud aforesaid.

February 1, 1785.

Chapter 27.

RESOLVE GRANTING A TAX, TO BE ASSESSED ON THE INHABITANTS AND ESTATES OF DUKES COUNTY.

Chap. 27

On the representation of the Justices of the Court of General Sessions of the Peace for the county of Dukes County, praying that they may be empowered to assess, upon the inhabitants and the estates within the same, the sum of One hundred and eighty pounds, to defray necessary charges that have arisen:

Resolved, That there be, and hereby is, granted a tax of *One hundred and eighty pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same; and to be collected, paid and applied for the use of the said county, agreeable to the laws of this Commonwealth.

February 1, 1785.

Chapter 28.

RESOLVE ON THE PETITION OF MESSIEURS ADAMS AND NOURSE, DIRECTING THE TREASURER TO PAY THEM FROM ANY MONEY IN HIS OFFICE, &c.

Chap. 28

On the petition of Thomas Adams and John Nourse, Printers to the General Court:

Resolved, That the prayer of the petition be so far granted, as that the Treasurer be, and he hereby is, empowered and directed to discharge any warrants they may have on him for printing for the General Court aforesaid, out of any monies he may have in his hands, and replace the same out of the first monies he shall receive into the treasury that is not appropriated.

February 2, 1785.

Chapter 29.

ORDER ON THE PETITION OF THOMAS IVES.

Chap. 29

On the petition of Thomas Ives.

Ordered, That the petition of *Thomas Ives*, Collector of impost and excise in the county of *Berkshire*, with the papers accompanying, be referred to the Attorney General of this Commonwealth; and that he be, and he hereby is, directed to enquire into the facts alledged

therein, and to take such measures thereon as may appear to him consistent with the laws, and for the interest of this Commonwealth.

February 2, 1785.

Chapter 30.

Chap. 30 RESOLVE GRANTING *TWENTY POUNDS, TEN SHILLINGS* TO MR. JOHN MARSTON, BEING THE BALANCE OF HIS ACCOUNT FOR PROVIDING A PUBLIC DINNER ON THE RETURN OF PEACE.

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, the sum of *Twenty pounds, ten shillings*, to Mr. John Marston, in full discharge of the remainder of his account against the Governor, for his providing an entertainment on the 25th day of *February*, 1784, on the celebration of the return of peace.

February 3, 1785.

Chapter 31.

Chap. 31 RESOLVE GRANTING *TWO HUNDRED AND EIGHTY-FIVE POUNDS, FOURTEEN SHILLINGS AND TEN PENCE*, TO CAPT. CALEB HOPKINS, AS STORE KEEPER TO THE LATE BOARD OF WAR OF THIS STATE.

Whereas it appears by a certificate from Thomas Ivers, one of the committee for settling the accounts of the late Board of War, that there is a balance of Two hundred and eighty-five pounds, fourteen shillings and ten pence, due
 • *to Capt. Caleb Hopkins' account, as storekeeper to the said board:*

Resolved, That there be allowed and paid to Capt. Caleb Hopkins, out of the treasury of this Commonwealth, the sum of *Two hundred and eighty-five pounds, fourteen shillings and ten pence*, in full discharge for the balance due to him from the late Board of War.

February 3, 1785.

Chapter 32.

Chap. 32 RESOLVE ON THE PETITION OF JAMES NICHOLS, DIRECTING THE TREASURER TO PAY HIM *FORTY-FOUR POUNDS, NINETEEN SHILLINGS AND THREE-PENCE HALF-PENNY*, WITH INTEREST.

Upon the petition of James Nichols, setting forth that in December, 1782, he lodged in the Treasurer's office a

receipt given by Henry Gardiner, Esq; late Treasurer of this Commonwealth, in favour of John Sexton, a Collector of taxes of the town of Deerfield, in the county of Hampshire, dated June 21st, 1782, for the sum of Two hundred and twenty pounds, the property of the said Nichols; that an execution was issued to the Sheriff of the said county, by Thomas Ivers, Esq; present Treasurer, against the said John Sexton, in favour of the said Nichols, for the amount of the said receipt, with the addition of five per cent. agreeable to a resolve of the General Court passed the second day of November, 1782:

Whereas there appears to this Court, that there was a mistake of Five pounds, ten shillings, in the addition of the five per cent. in the sum before mentioned; that the said John Sexton has since deceased, insolvent, and that it appears that the sum of One hundred and eighty-eight pounds and eight pence two farthings only, is received by the said Nichols on the said execution, and that there is due to the said James Nichols, the sum of Forty-four pounds, nineteen shillings and three pence half-penny, together with the interest: Therefore,

Resolved, That the Treasurer pay out of the treasury of this Commonwealth, unto James Nichols, the sum of Forty-four pounds, nineteen shillings, three pence half-penny, together with the interest on the said sum, in full for the sum due by the receipt aforesaid.

February 3, 1785.

Chapter 33.

RESOLVE ON A REPRESENTATION OF STEPHEN CHOATE, ESQ; Chap. 33
DIRECTING HIM TO PAY THE SUM MENTIONED, INTO THE
TREASURY.

On the representation of the Hon. Stephen Choate, Esq; agent for the Commonwealth of Massachusetts, praying for direction in what manner he may be discharged the sum of Nine pounds, twelve shillings, which he has received in the behalf of the said Commonwealth, as rent for the improvement of Thatcher's Island (so called) for the year 1783:

Ordered, That the said Stephen Choate, Esq; he, and he is, hereby directed to pay into the public treasury, the said sum of Nine pounds, twelve shillings, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office.

February 4, 1785.

Chapter 34.

Chap. 34 RESOLVE COMMITTING THE MACHINE FOR BORING CANNON, AND A QUANTITY OF COPPER AT BRIDGEWATER, TO THE CARE OF HUGH ORR, ESQ; AND THAT A RETURN THEREOF BE MADE TO THE COMMISSARY GENERAL.

Whereas a machine for boring cannon, and a quantity of unrefined copper, the property of this Commonwealth, are now at Bridgewater, under the care of the Hon. Hugh Orr, Esq; and it is judged expedient that the same should remain there: Therefore

Resolved, That the said machine and copper be still kept at the said place, under the care of the Hon. Hugh Orr, Esq; and that a return be made to the Commissary General of the said machine, and of the weight of the said copper, the weight thereof to be taken by said Orr, in conjunction with Capt. David Kingman, of the said *Bridgewater*, who are directed to make their return accordingly.

February 5, 1785.

Chapter 35.

Chap. 35 RESOLVE ON THE PETITION OF DANIEL SOUTHER AND OTHERS, PROPRIETORS OF HULL, AUTHORIZING THEM TO LEVEL WORKS ERECTED THERE, AND DIRECTING THE COMMISSARY GENERAL TO CAUSE THE BARRACKS TO BE APPRAISED, &c.

On the petition of Daniel Souther and Thomas Jones, for themselves and others, proprietors of lands in the town of Hull, praying, for reasons set forth in the said petition, that they may be permitted to level the fort, and to have the barracks, platforms, and small buildings, erected in the year 1776, by order of the committee of fortifications, and now standing in the said town:

Resolved, That the prayer of the said petition be so far granted, that the said proprietors be, and they are hereby authorized and permitted to level any works or redoubts that may have been erected in the town of *Hull*, except the principal fort, which it is not expedient to demolish. *And it is further*

Resolved, That the Commissary General be, and he hereby is, empowered and directed, as soon as conveniently may be, to cause all the barracks and platforms in the town of *Hull*, belonging to this Commonwealth, except those in the principal fort, to be appraised, at the

expence of the said proprietors, by three discreet, disinterested persons, whom he shall appoint for the purpose, and also call on the several proprietors and others, who have suffered in their lands, houses, or fences, in consequence of the forts or barracks aforesaid, having been erected, to lay before him an account of the losses and damage sustained by them respectively; and the barracks and platforms, except as before excepted, shall be divided among the present proprietors and others, who were actually injured as aforesaid, in proportion to each person's loss or damage; and the Commissary General shall assist in the division of the buildings and materials, and shall, when the whole is compleated, lodge in the Secretary's office the appraised value of the barracks and platforms, and the name of each person, and the amount of such part of the buildings and materials as they respectively receive.

February 7, 1785.

Chapter 36.

RESOLVE DIRECTING THAT THE DISTRICT OF ORANGE BE AT THE CHARGE OF MAINTAINING FOREVER, THE BRIDGE OVER THE RIVER TULLY.

Chap. 36

Resolved, That the District of Orange, forever hereafter, be at the charge of maintaining the bridge over the River Tully, (so called) and the causeway on that road from said bridge, to the poles that are laid going on to the little bridge between the two rivers, which shall be the full proportion of the charges of maintaining the bridges and roads in the town of Athol, to be borne by the district of Orange for the future.

February 8, 1785.

Chapter 37.

RESOLVE ON THE PETITION OF DINAH SPEAN, DIRECTING GUARDIANS TO NATICK INDIANS TO DISPOSE OF THE LANDS MENTIONED.

Chap. 37

On the petition of Dinah Spean, of Natick, in the county of Middlesex, Indian woman, praying for liberty to sell several pieces of land mentioned in her petition, and for reasons therein contained:

Resolved, That the prayer of the said petition be granted, and that Josiah Stone, Esq; Joseph Twitchel and Eleazer Kingsbury, Guardians to the Natick Indians,

be, and they are, hereby fully authorized to sell the aforesaid pieces of land for the most the same will fetch, and make and execute a good and lawful deed or deeds of the same to the purchaser or purchasers thereof; and the money arising by the sale, after paying the reasonable charges, shall by the said Guardians be applied the one half for the payment of the said *Dinah's* debts and her further support, as they shall think reasonable, and the other half of the said money being the property of *Sarah Pero*, sister of the petitioner, shall be put on interest, and the principal and interest reserved and improved by the said Guardians for the benefit of the said *Sarah Pero*.

February 7, 1785.

Chapter 38.

Chap. 38 RESOLVE CONTINUING A RESOLVE DIRECTING THE COMMON LAW COURTS TO SUSPEND MAKING UP JUDGMENT ON ACTIONS BROUGHT BY REAL *BRITISH* SUBJECTS, &c. FOR INTEREST.

Whereas the resolve passed the tenth day of November last, directing the common law Courts to suspend rendering judgment for interest on actions brought by real British subjects or absentees, to the third Wednesday of the present sessions of the General Court, expired on the second day of February instant: and whereas the legislature have not as yet obtained the sense of Congress upon the fourth article in the treaty of peace, which provides only for the payment of bona fide debts, as was expected, and a further time being necessary for that purpose: Therefore,

Resolved, That the said resolution of the tenth of November last, be, and hereby is, declared to be continued in full force, and shall operate in all cases as fully until the further order of the General Court, as the said resolution of the tenth day of November last might have operated previous to the third Wednesday of the present sessions of the General Court.

February 7, 1785.

Chapter 39.

Chap. 39 RESOLVE ON THE PETITION OF *JOSIAH BOWERS* AND *WILLIAM TOMPSON*, AGENTS FOR THE PROPRIETORS OF *TYNG'S* TOWNSHIP.

On the petition of Josiah Bowers and William Tompson, agents for the proprietors of Tyng's township, (so

called) in behalf of themselves, and the heirs and assigns of Captain William Tyng and others, excepting the heirs of Benjamin Trescott and William Holden, who have been compensated heretofore, to whom was granted a township of land on the east side of Merrimack River, between Suncook and Litchfield, containing about twenty-three thousand acres, in consideration of their sufferings and services in performing a dangerous march in the winter season of the year 1703, upon snow shoes, in quest of the Indian enemy, which township fell within the government of New Hampshire, on running the line between the then Province of the Massachusetts Bay and New Hampshire, for which they have received no consideration:

Resolved, That in lieu thereof, there be granted a township of land to the legal representatives or assigns of the said Captain William Tyng and his company, out of the unappropriated lands within this Commonwealth, which is to consist of six miles square, and with the public lots, is to make the complement of sixty-four shares, provided that the grantees, within six years, settle thirty families in the said township, build a meeting house, and settle a learned protestant minister, and lay out one sixty-fourth part of the said township for the use of the first settled minister, and one other sixty-fourth part for the ministry, and one other sixty-fourth part for a grammar school, and one other sixty-fourth part for *Harvard College*; and return a plan into the Secretary's office, taken at the expence of the grantees by a surveyor and chainmen under oath, to be appointed and instructed by the committee appointed by a resolve of the General Court of the twenty-eighth day of *October*, 1783, on the subject of the unappropriated lands in the county of *Lincoln*, within twelve months from this day, for confirmation: *Provided also*, That the said township be laid out in such part of the unappropriated lands belonging to this Commonwealth, adjoining to some former grant to the Eastward of *Saco* river, as shall be directed by the committee aforesaid, and also that the rights of such of the original grantees, their heirs or legal representatives, who shall neglect for the space of three years after the said township shall be laid out, to exhibit the evidence of their right under the original grantees to the Secretary's office, shall revert to the Commonwealth.

February 7, 1785.

Chapter 40.

- Chap. 40* RESOLVE GRANTING SAMUEL BRECK, ESQ; THREE HUNDRED AND FORTY-ONE POUNDS, FOURTEEN SHILLINGS AND SEVEN PENCE, IN FULL FOR ERECTING A HOSPITAL AT THE WEST PART OF BOSTON, AND DIRECTING THE COMMISSARY TO TAKE MEASURES FOR SECURING THE SAME.

Resolved, That there be paid out of the public treasury to Samuel Breck, Esq; the sum of *Three hundred and forty-one pounds, fourteen shillings and seven pence*, being in full of his accounts of payments advanced for erecting the hospital at the westerly part of the town of *Boston*.

Resolved further, That the Commissary General be, and hereby is directed to take proper measures for the security of the said hospital.

February 8, 1785.

Chapter 41.

- Chap. 41* RESOLVE ON THE PETITION OF THE TOWN OF LUDLOW, PERMITTING THEM TO EXHIBIT BEEF RECEIPTS, AND EMPOWERING THE GOVERNOR AND COUNCIL TO EXAMINE THE SAME.

On the petition of the Selectmen of the town of Ludlow, setting forth that the said town procured Three thousand six hundred and ninety-nine pounds of beef, in part of the several quotas of beef required of the said town by the resolves of the General Court, but through mistake have not returned the receipts therefor, agreeable to the orders of government, and that execution hath issued against the said town, and praying that the said receipts may now be exhibited for examination and allowance:

Resolved, That the town of *Ludlow* be permitted to exhibit the said receipts for beef to the Secretary at any time before the twentieth day of *March* next; and the Governor and Council are hereby empowered to receive and examine the said receipts in the same manner, and on the same condition, as if the same had been exhibited in due season.

February 9, 1785.

Chapter 42.

- Chap. 42* RESOLVE ON THE MEMORIAL OF WILLIAM WETMORE AND SALLY WETMORE, ADMINISTRATORS ON THE ESTATE OF THE LATE BRIGADIER WALDO, DECEASED, WITH DIRECTIONS TO THE ATTORNEY GENERAL.

On the memorial of William Wetmore and Sally Wetmore, administrators on the estate of the late Brigadier

General Waldo, deceased, praying that the lands, late the property of Francis Waldo, Esq; absentee, in the county of Cumberland, and which were confiscated to the use of this Commonwealth, may be held to answer its proportion of sundry claims against the estate of the said Brigadier Waldo, to which estate the said Francis Waldo was an heir:

Whereas it appears to this Court, by papers from the Probate Office and Supreme Judicial Court, that sundry demands do now actually exist against the estate of the said Brigadier Waldo, and for the payment of which the paternal estate of the said Francis Waldo, Esq; is answerable for one fifth part: And whereas sundry lots of land in the county of Cumberland was part of the paternal estate aforesaid, being in a division belonging to the said Francis Waldo, and since confiscated by this government: Therefore,

Resolved, That the estate confiscated in the county of Cumberland, as the estate of the late Francis Waldo, Esq; an absentee, or such part thereof as is now unsold, be held and applied to the payment and discharge of the said Francis Waldo's proportion, being one fifth of such legal debts and demands against the late Brigadier Waldo, as now, according to law, remains unsatisfied; and that the Committee for the sale of confiscated estates in the said county, in concurrence with the administrators of the said estate of Brigadier Waldo, take measures that the said estate may be sold for the best interest of the Commonwealth and the creditors, as soon as may be. And in order to prevent any fraud or illegal claims being recovered against the said estate, it is hereby further

Resolved, That the Attorney General of this Commonwealth be, and he is, hereby directed to examine such claims and demands as aforesaid, and to contest the same in the Courts of law, if necessary, and certify to the Committee the real amount of the debts that may be legally recovered; which certificate shall be their government in paying the administrators aforesaid their just proportion.

February 9, 1785.

Chapter 43.

RESOLVE ON THE PETITION OF JONATHAN CUNNINGHAM, APPOINTING A COMMITTEE TO SET OFF TO THIS COMMONWEALTH, A PART OF A FARM, BELONGING TO JOHN MURRAY, AN ABSENTEE, &c.

Chap. 43

On the petition of Jonathan Cunningham, praying that a Committee may be appointed to set off a part of his farm,

in Oakham, in consideration of a sum of money due to John Murray, an absentee, for which said farm was mortgaged, and now becomes the property of this Commonwealth:

Resolved, That the prayer of the petition be granted, and that *Daniel Clap, Rufus Putnam, Esq's.* and *Mr. Jonas Howe*, be a Committee to appraise and set off, to the use of this Commonwealth, where, in their opinion it shall be most beneficial to the State, and least prejudicial to the said farm, as much of the said land as shall be sufficient to pay the debt and necessary charges; and the Committee for the sale of absentees estates are directed to execute a good and lawful deed to the said *Cunningham*, of the remainder of the said farm. *February 10, 1785.*

Chapter 44.

Chap. 44 RESOLVE GRANTING THIRTY POUNDS, TO PURCHASE BOOKS FOR THE AGENTS TO SUPPORT THE CLAIM OF THIS STATE TO LANDS WEST OF HUDSON'S RIVER, AND GRANTING THE SAID AGENTS FOUR THOUSAND FIVE HUNDRED POUNDS, AND APPROVING THEIR CONDUCT.

Resolved, That the Secretary be, and he is, hereby directed to procure by purchase or otherwise, such books as are mentioned in the annexed list, and such other as the Agents appointed to support the claim of this Commonwealth to lands westward of the River *Hudson* may require, and to deliver the same to the said Agents, for their use in the business assigned to them, they to be accountable for the same.

Resolved, That there be paid out of the treasury, to the Secretary, to enable him to purchase the said books, the sum of *Thirty pounds*, he to be accountable for the expenditure of the same.

Resolved, That the Secretary do furnish and deliver to the said Agents such original papers or copies of papers as they may require, taking copies of such original papers as he may deliver to them, they to give receipts for such books and original papers as may be delivered to them as aforesaid, and to return the same into the Secretary's office.

Resolved, That the exact latitude of such point or points, on either or both the side lines of this Commonwealth, be taken, as the Agents may direct, and by such persons as they may appoint.

Resolved, That the sum of *Four thousand five hundred pounds* be allowed and paid out of the treasury, to the said Agents, for the purpose of defraying the expences which may arise in prosecuting the business of their agency, they being accountable therefor.

Resolved, That the said Agents, so far as they have proceeded, have discharged the important trust committed to them, to the entire satisfaction of the General Court.

February 10, 1785.

Chapter 45.

RESOLVE ON THE PETITION OF STEPHEN CROSS, EMPOWERING HIM TO SWEEP *PENOBSCOT RIVER* FOR WRECKS, &c. AT HIS COST.

Chap. 45

On the petition of Stephen Cross, praying, for reasons mentioned therein, that he may have liberty to weigh such wrecks or parts of wrecks, sunk in the River Penobscot, as he may be able to get up:

Whereas there is a probability that such wrecks or parts thereof, sunk in the River Penobscot, in the expedition against that post, as might be saved, if sought for the ensuing season, will be otherwise totally lost: And whereas Stephen Cross, Esq; has petitioned this Court for liberty to sweep the said river for that purpose, and it appears that he is well qualified for the undertaking:

Resolved, That *Stephen Cross, Esq;* be, and he hereby is, authorized and empowered to sweep the River *Penobscot*, and by such means as he may judge proper, at his own cost and charges, without any expence to, or reimbursement from this Commonwealth, attempt the weighing and getting up such of the wrecks of vessels, or parts thereof, lost in the said river on the expedition against that post, as he may judge expedient, the said *Cross* keeping an account of the expences he may be at, and of the several articles he may weigh and secure, and being accountable to Congress therefor, or as shall hereafter otherwise be ordered.

February 11, 1785.

Chapter 46.

RESOLVE CONTINUING A RESOLVE OF *OCTOBER, 4TH, 1783*, AUTHORIZING *CHARLES CHANDLER* AND OTHERS TO IMPROVE PART OF THE ESTATE OF THEIR FATHER *JOHN CHANDLER, ESQ.*

Chap. 46

Resolved, That the resolve of the General Court of *October 4th, 1783*, authorizing *Charles Chandler*, and

others, to take possession of, and to improve part of the estate of their father, *John Chandler Esq*; late of *Worcester*, an absentee, be, and shall remain, in full force for two years from the date hereof, the resolve of *July 2d, 1784*, notwithstanding.
February 11, 1785.

Chapter 47.

Chap. 47 RESOLVE GRANTING TWENTY-SEVEN POUNDS, NINE SHILLINGS AND SIX PENCE TO THE COMMITTEE FOR SURVEYING BAKERSTOWN AND ANDROSCOGGIN RIVER, IN FULL OF THEIR ACCOUNT.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the Hon. *Jonathan Greenleaf, Esq*; one of the aforesaid Committee, the sum of *Twenty-seven pounds, nine shillings and six pence*, in full of the said Committee's account for the survey of *Bakers-town and Androscoggin River*, planning, measuring and other services done by the said Committee, as by their account exhibited the 31st of *January, 1785*, and that he be accountable to each of the said Committee according to the account aforesaid.
February 11, 1785.

Chapter 48.

Chap. 48 RESOLVE ENTITLING EDWARD SHARMAN TO ONE THIRD PAY FROM JANUARY, 1780, UNTIL FURTHER ORDER.

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Edward Sharman, a soldier, who lost his right hand in the service of the United States:

Resolved, That the said *Edward Sharman* be entitled to one third part of pay as a soldier, from the first day of *January, 1780*, till the further order of the General Court or Congress.
February 12, 1785.

Chapter 49.

Chap. 49 RESOLVE GRANTING FIVE HUNDRED AND SIXTY POUNDS TO DEFRAY THE CHARGES OF THE COUNTY OF CUMBERLAND.

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the county of Cumberland, made on the last Tuesday of October, 1784, that the sum of Five hundred and sixty pounds will be necessary for defraying the charges of the said county for one year then next ensuing:

Resolved, That there be, and hereby is, granted a tax of *Five hundred and sixty pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of said county, according to the laws of the Commonwealth.

February 12, 1785.

Chapter 50.

RESOLVE DISCHARGING THE GUARDIANS OF THE DUDLEY INDIANS, OF SIXTY POUNDS, EIGHTEEN SHILLINGS AND SIX PENCE, THEY TO STAND CHARGEABLE WITH THE SUM OF TWENTY POUNDS, ONE SHILLING AND SIX PENCE. Chap. 50

Whereas it appears that the Guardians of the Dudley Indians are chargeable with the incomes of the said Indians' estate, from the year 1776 to 1785, at Nine pounds per year, amounting to Eighty-one pounds, and upon examination of the said Guardians' accounts of disbursements, it appears they are well vouched and right cast, and for the use of the said Indians, amounting to the sum of Sixty pounds, eighteen shillings and six pence: Therefore,

Resolved, That the Guardians of the *Dudley* Indians, be and hereby are discharged the sum of *Sixty pounds, eighteen shillings and six pence*; and that they be further chargeable with the sum of *Twenty pounds, one shilling and six pence*, being the balance of their account.

February 14, 1785.

Chapter 51.

RESOLVE DEFINING THE BOUNDS OF LITTLE FALLS AND MASSABESECK, IN ORDER FOR THEIR LEVYING AND COLLECTING TAXES. Chap. 51

Whereas inconveniences have arisen in the plantations of Little Falls and Massabeseck, in the county of York, respecting the levying and collecting taxes, for want of determining the extent of the said plantations respectively:

It is therefore *Resolved*, That the plantation of *Little Falls* shall contain the tract of land bounded as follows, viz. : Beginning at the northerly corner of the town of *Bildeford*, at *Saco River*, thence running south-westerly by the head lines of *Bildeford* and *Arundel*, about four miles to the easterly corner of *Coxhall*, thence northerly by

Coxhall to the northerly corner thereof, thence on the course last mentioned to the little *Ossapee River*, thence easterly by the river last mentioned to *Saco River*, thence easterly by *Saco River* to the place begun at.

And it is further *Resolved*, That the lands laying between *Sanford* and *Shapleigh*, on the south-west, the river of the *Little Ossapee* on the north, the plantation of *Little Falls* on the north-east, and the town of *Coxhall* on the south-east, be known as, and reputed to be, the plantation of *Massabeseck*, till the further order of the General Court.

February 12, 1785.

Chapter 52.

Chap. 52 RESOLVE ON THE PETITION OF THE INHABITANTS OF THE PLANTATION OF MASSABESECK, IN THE COUNTY OF YORK, DIRECTING THE TREASURER TO RECALL ALL WARRANTS ISSUED FOR TAXES, AND THE SHERIFF TO RETURN EXECUTIONS.

Whereas the inhabitants of the plantation of Massabeseck, in the county of York, have preferred a petition to the General Court, setting forth their extreme poverty and inability to pay the taxes that have been laid upon them since the first of January, in the year 1781, and previous to the first day of July last, and praying to have the same abated :

Resolved, That the prayer of the said petition be so far granted, as that the Treasurer of this Commonwealth be, and he hereby is, directed to recall all the warrants that have issued from the said office, to the said plantation, for taxes previous to the first day of *July* last, and which have not been paid into the said office, and to issue his warrant to the Assessors of the said plantation of *Massabeseck*, for the sum of *Five hundred and twenty-five pounds*, instead of the sums heretofore assessed upon them

Also *Resolved*, That the Assessors of the said plantation be, and they are, hereby directed to assess the same on the polls and estates of the said inhabitants and non-resident proprietors, in the manner prescribed in the Tax Act of *July*, 1784.

Also *Resolved*, That the Sheriff of the county of *York*, be, and he is, hereby directed to return the execution which he has against the Collector or Collectors of the said plantation, and if any part thereof has been paid, that the

said plantation have credit for the same out of the above sum of *Five hundred and twenty-five pounds*.

February 12, 1785.

Chapter 53.

RESOLVE ON THE PETITION OF *JIREH WILLIS*, EMPOWERING HIM TO SELL A CERTAIN TRACT OF LAND DEVISED TO HIM BY HIS FATHER. Chap. 53

Whereas it appears by the representation of Jireh Willis, that his late father, Samuel Willis, did, in and by his last will and testament, give and devise to the said Jireh Willis, a certain tract of land, lying and being in Dartmouth, in the county of Bristol, during the term of his natural life, and after the decease of the said Jireh, to his, the said Jireh's heirs, in fee simple, to be divided between them: And whereas it further appears by the said representation, that the said Jireh is unable to discharge the taxes for the said lands now due to the Commonwealth, and for the education of his children, in whom the fee of said land is, all which children, except one absent, join in the prayer of the said Jireh for the sale of so much of the west end of the said land as to raise the sum of One hundred and twenty pounds, for the payment of the said taxes and education of the said children: Therefore

Resolved, That the said Jireh Willis, he, and he hereby is, authorized and empowered to sell so much of the west end of the said land devised to him by the last will and testament of his said late father, at public auction, he first notifying the same in writing, in some public place in the town where the said land is, three weeks successively, as will raise the sum of One hundred and twenty pounds, for the purpose aforesaid, and to give good and sufficient conveyance of the same, in fee simple, to any person or persons who may purchase the same, and such sale shall be deemed in law as valid as though the fee of such land so sold was in the said Jireh Willis, any law to the contrary notwithstanding.

February 14, 1785.

Chapter 54.

RESOLVE GRANTING A TAX OF *THREE HUNDRED AND FIFTY POUNDS*, TO DEFRAY THE CHARGES OF THE COUNTY OF *BARNSTABLE*. Chap. 54

Whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace for the county

of Barnstable, made on the first Tuesday of December last, that the sum of Three hundred and fifty pounds will be necessary for defraying the charges of the said county to that time: Therefore

Resolved, That there be, and there hereby is, granted a tax of *Three hundred and fifty pounds*, to be apportioned and assessed on the polls and estates of the inhabitants of said county, to be collected, paid and applied for the use of the said county, according to the law of this Commonwealth.

February 14, 1785.

Chapter 55.

Chap. 55

RESOLVE ON THE PETITION OF JOHN ROWE, ESQ.

On the petition of John Rowe, Esq; praying that the Judge of Probate for the county of Middlesex may be empowered to grant his warrant to Commissioners for the settling the estate of Jonathan Sewall, Esq; for a further time, that thereby he may have an opportunity to exhibit his claim for allowance:

Resolved, That the prayer of the petition be so far granted, that the Judge of Probate of Wills, &c. for the county of *Middlesex* be, and he is, hereby authorized and empowered, on application, to appoint Commissioners to examine the claims of *John Rowe, Esq*; on the estate of *Jonathan Sewall, Esq*; for the term of one month from the time of their appointment for the purpose aforesaid, at the expence of the said *Rowe*, that he may have an opportunity to exhibit his claim within the term mentioned, any law or resolve to the contrary notwithstanding.

February 14, 1785.

Chapter 56.

Chap. 56

RESOLVE ON THE PETITION OF EPHRAIM FAIRBANKS, ESQ; IN BEHALF OF STEPHEN HUDSON AND JOHN BARNARD, DIRECTING THE TREASURER TO ISSUE NEW NOTES.

Whereas it appears to this Court that Stephen Hudson and John Barnard were soldiers in the Continental Army, in Col. Bigelow's regiment and Capt. Daniel Barnes' company, and had wages justly due to each of them, and that some evil minded person by a false and forged order, has taken from the said soldiers their just due: Therefore,

Resolved, That the Treasurer be, and he is, hereby directed to issue notes to the said *Hudson* and *Barnard* respectively, in manner and form as by law is directed, for the sums to which they were entitled at the time of presenting said forged order; and whenever the said notes already issued shall be presented at the treasury, the Treasurer is hereby directed to give the earliest notice thereof to the Attorney General, who shall use his endeavours to discover the persons concerned in obtaining the said notes already issued. *February 14, 1785.*

Chapter 57.

RESOLVE ON THE PETITION OF *EPHRAIM WILDER*, DIRECTING THE TREASURER TO CREDIT THE TOWN OF *STERLING*, THE SUM OF NINETEEN POUNDS, EIGHT SHILLINGS AND NINE PENCE. *Chap. 57*

On the petition of Ephraim Wilder, for and in behalf of the town of Sterling, setting forth that the said town of Sterling was fined in the Tax Act of March, 1783, for the sum of Thirty-eight pounds, seventeen shillings and six pence, for their neglect in not choosing a representative for the year 1782, for reasons therein mentioned:

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth be, and hereby is, directed to credit the said town of *Sterling*, in the last State Tax, the sum of *Nineteen pounds, eight shillings and nine pence*, being one half of the said fine.

February 14, 1785.

Chapter 58.

RESOLVE ON THE PETITION OF THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF *WORCESTER*. *Chap. 58*

On the petition of the Justices of the Court of General Sessions of the Peace, begun and holden at Worcester, on the first Tuesday of December, 1784, praying for a grant of the land hereinafter described, together with the privilege hereafter also mentioned, for the purpose of erecting and accommodating a public county goal:

Resolved, That a certain piece of land in *Worcester* aforesaid, lately owned by *John Chandler, Esq*; and confiscated to the use of this Commonwealth, bounded as

follows, *viz.*: Beginning at *Timothy Bigelow's* corner, by the county road, by the stream called *Swift River*; then running southwardly on the said *Bigelow's* line fourteen rods, to a black alder, marked; then eastwardly eight rods, to a stake and stones; then northwardly sixteen rods, to a post in a garden fence, about ten feet eastward of a well by the aforesaid road; then westwardly by the said road, about thirteen rods, to the first mentioned boundary; together with a privilege of making and keeping open a canal from the goal thereon to be erected to the stream aforesaid, extending southwardly, about eight rods from the land before described, — be, and hereby is, granted to the county of *Worcester*, for the sole purpose of erecting and accommodating a Public Goal in the said county, to have and to hold the same to the said county, so long as the same county shall continue and maintain a Public Goal thereon, or shall rebuild the same; and this resolve when recorded in the Registry of Deeds in the same county, and in the records of the said Court of Sessions, shall be a good and sufficient title to hold the above granted premises in manner as aforesaid.

February 14, 1785.

Chapter 59.

Chap. 59 RESOLVE EMPOWERING THE OVERSEERS OF BOSTON TO CONTRACT FOR TAKING CARE OF STATE SICK.

Resolved, That the Overseers of the poor of the town of *Boston* be empowered to contract with a physician to attend upon and provide medicines for such sick persons, being of the poor belonging to this Commonwealth, as now are or may be in the alms house in the town of *Boston*, till further order of the General Court.

February 16, 1785.

Chapter 60.

Chap. 60 RESOLVE ON THE PETITION OF LOAMMI BALDWIN, SHERIFF OF THE COUNTY OF MIDDLESEX, EMPOWERING HIM TO RECEIVE CONSOLIDATED NOTES FOR THE ESTATE OF ELISHA CUTLER.

On the petition of Loammi Baldwin, *Esq; Sheriff of the county of Middlesex, respecting the sale of the estate of Elisha Cutler, of Waltham, in the county aforesaid, in*

which execution has been extended in favour of this Commonwealth:

Whereas the said Baldwin, by a resolve of this Court, has been directed to postpone the sale of the aforesaid estate until the 17th instant:

Resolved, That the said *Baldwin* be, and he is, hereby empowered to receive specie or consolidated notes of this Commonwealth, (as he shall judge most for the interest of government) for the estate of the said *Elisha Cutler*, any law or resolve to the contrary notwithstanding.

February 16, 1785.

Chapter 61.

RESOLVE ON THE PETITION OF SAMUEL WHITE; TIMOTHY WHITE AND PHILLIPS WHITE, ALLOWING AN APPEAL TO THE SUPREME COURT OF PROBATE. Chap. 61

On the petition of Samuel White, Timothy White and Phillips White, praying an appeal to the Supreme Court of Probate, as therein set forth:

Resolved, That the said *Samuel*, *Timothy* and *Phillips*, or either of them, have, and they are hereby granted, leave to appeal from the said decree of the said Judge of Probate for the county of *Suffolk*, allowing the account of *William White*, administrator of the estate of *William White*, deceased; to claim the same in the said Court of Probate; and to enter the same at the Supreme Court of Probate, to be held in and for the county of *Suffolk*, on the last Tuesday of *August* next; and to prosecute the said appeal to effect, in the same manner and form as if the same had been prosecuted in due season; any thing to the contrary notwithstanding.

February 17, 1785.

Chapter 62.

RESOLVE ON THE PETITION OF THE SELECTMEN OF FREETOWN, GRANTING THIRTEEN POUNDS, ONE SHILLING AND FOUR PENCE, TO JOHN HAMBLETON. Chap. 62

On the petition of the Selectmen of Freetown, setting forth, that through a mistake, John Hambleton of the said town, was neglected in being made up in a pay roll, who served for the term of six months, for the said town, in the Continental Army, in the year 1780, and praying that he may be allowed his wages for the above service:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *John Hambleton*, *Thirteen pounds, one shilling and four pence*, in full for the above service.

February 17, 1785.

Chapter 63.

Chap. 63 RESOLVE ON THE MEMORIAL OF ISAAC BACON, ONE OF THE CONSTABLES OF THE TOWN OF BARNSTABLE, FOR 1774, DIRECTING THE TREASURER TO RECEIVE CERTAIN BILLS OF OLD MONEY.

Whereas it appears to this Court by the memorial of Isaac Bacon, one of the Constables of the town of Barnstable, for the year 1774, and the papers accompanying the same, that a bill of assessment for the sum of Forty-four pounds, three shillings and six pence was committed to him to collect, and Fourteen pounds, three shillings and six pence, part of the said sum, still remains due to this Commonwealth, which sum of Fourteen pounds, three shillings and six pence, the said Bacon received in paper currency, and tendered the Treasurer in due season, but through mistake he was not then discharged of the same, and he prays that an order may now pass for his discharge, for reasons set forth in his said petition:

Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to receive of the said *Isaac Bacon*, the sum of *Fourteen pounds, three shillings and six pence*, in continental bills of the old emission, and give to the said *Isaac Bacon* a discharge for the said sum, any law or resolve to the contrary notwithstanding.

February 17, 1785.

Chapter 64.

Chap. 64 RESOLVE ON THE PETITION OF ELI KEYS, GRANTING HIM LIBERTY TO ENTER HIS APPEAL IN THE ACTION MENTIONED, HE NOTIFYING SAMUEL WARD TO SHEW CAUSE, AND DISCHARGING SAID KEYS FROM GOAL, HE GIVING BONDS.

Upon the petition of Eli Keys, praying that he may have liberty to enter an appeal upon a writ of Scire Facias sued out against him by Samuel Ward, at a Court of Common Pleas, held at Worcester, within and for the county of Worcester, on the second Tuesday of June last,

and on the return of which the said Keys was defaulted, for reasons set forth in his petition:

Resolved, That the said *Eli Keys* have liberty to enter his appeal in the action aforesaid, at the next Supreme Judicial Court to be held at *Worcester*, within and for the county of *Worcester*, on the Tuesday next preceding the last Tuesday of *April* next, and to avail himself of any plea or pleas to which he is by law entitled: And the Justices of the same Court are hereby authorized and empowered to take cognizance of the same cause, in the same manner as if it had come regularly before them, the said *Eli Keys* notifying the said *Samuel Ward*, by leaving an attested copy of this resolve fourteen days at least before the sitting of the said Court.

And it is further *Resolved*, That the said *Eli Keys* be discharged from goal, on his giving bonds to prosecute the said appeal to effect, and also to respond the judgment that may be recovered against him.

February 18, 1785.

Chapter 65.

RESOLVE APPOINTING *HUGH ORR*, AND OTHERS, A COMMITTEE *Chap. 65*
TO PURCHASE A BARRACK AT *CAMBRIDGE*, TO SELL CERTAIN MILITARY STORES, AND FOR REMOVING AND DISPOSING OTHERS AS DIRECTED, GRANTING THEM *ONE HUNDRED AND FIFTY POUNDS* TO EXECUTE THE BUSINESS.

Resolved, That *Hugh Orr* and *Caleb Davis*, Esq'srs. together with the Commissary General, or the major part of them, be, and they are, hereby authorized and directed to sell, for the most they can obtain, all such shells and broken cannon, the property of this Commonwealth, as are unfit for service.

Also *Resolved*, That the said *Hugh Orr* and others, as aforesaid, be, and they are, authorized and directed to purchase, for the use of this Commonwealth, a barrack, being in the town of *Cambridge*, and in which a quantity of shells and shot are now deposited, provided they can obtain the said barrack for a reasonable price, and provided also they can obtain permission from the proprietors of the land on which the said barrack stands, for the same to remain on the said land; and on procuring the barrack as aforesaid, the said *Hugh Orr* and others, as aforesaid, are further directed to remove all such

shells and shot as are in the towns of *Boston* and *Watertown*, and deposit them therein, to be kept under the care of the Commissary General of this Commonwealth, until the further order of the General Court.

And the said *Hugh Orr* and others, as aforesaid, are further directed to remove all the cannon in the town of *Boston*, or elsewhere, excepting such as are in any forts or garrisons belonging to this Commonwealth, to the Castle in the harbor of *Boston*, the commander of which is hereby directed to receive and take care of the same.

And whereas there is a large quantity of military and other stores belonging to this Commonwealth, now deposited in a large building called the Grainery, in the town of Boston, which it is necessary should be removed:

Resolved, That the said *Hugh Orr* and others, as aforesaid, be, and they are, further directed to remove all the stores deposited in the said building, either to the Castle or the barrack at *Cambridge*, as they shall judge best, excepting such of them as they may judge will not be fit for public service, which they are hereby authorized and directed to sell.

And to enable the said *Hugh Orr* and others, as aforesaid, to prosecute the business assigned them by these resolves, *Resolved*, That there be allowed and paid out of the treasury of this Commonwealth to the said *Hugh Orr* and others, as aforesaid, the sum of *One hundred and fifty pounds*, they to be accountable for the same, and to lay their accounts before the General Court for settlement, as soon as may be.

February 21, 1785.

Chapter 66.

Chap. 66 RESOLVE DIRECTING THE COMMITTEE FOR SETTTLING PUBLIC ACCOUNTS TO SETTLE WITH *JOHN LUCAS*, COMMISSARY OF PENSIONERS, TO THE FIRST OF *JANUARY*, 1785.

Resolved, That the Committee appointed to state the accounts of this Commonwealth, be, and they are, hereby directed to settle the accounts of *John Lucas*, Commissary of Pensioners, up to the first day of *January*, 1785, and the said Committee are further directed to lay the said settlement before the General Court as soon as may be.

February 21, 1785.

Chapter 67.

RESOLVE ON THE PETITION OF JOHN ROWE, ESQ; GRANTING HIM EIGHTY-FOUR POUNDS, FIVE SHILLINGS, AS ATTORNEY TO THOMAS GRIFFITHS, OF BRISTOL, FOR REASONS MENTIONED. Chap. 67

On the petition of John Rowe, Esq; who has represented and made it appear to this Court, that a quantity of brass kettles, the property of Thomas Griffiths, of Bristol, in Great Britain, was taken by mistake by the Committee of Sequestration, and sold as the property of William Jackson, an absentee:

Resolved, That there be allowed and paid out of the public treasury, to the said Rowe, as attorney to the said Griffiths, the sum of *Eighty-four pounds, five shillings*, in full compensation for the said kettles.

February 21, 1785.

Chapter 68.

RESOLVE ON THE PETITION OF JAMES SWAN, DIRECTING THE JUDGE OF PROBATE OF PLYMOUTH TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIMS ON THE ESTATE OF PETER OLIVER, AND PETER OLIVER, JUNIOR. Chap. 68

On the petition of James Swan, praying that the Judge of Probate for the county of Plymouth, may be empowered to grant his warrant to Commissioners for the settling the estates of Peter Oliver, and Peter Oliver, jun., Esq's; for a further time, that thereby he may have an opportunity of exhibiting his claim for allowance:

Resolved, That the prayer of the petition be so far granted, that the Judge of Probate of Wills &c., for the county of *Plymouth*, be, and he is, hereby authorized and empowered, on application, to appoint Commissioners to examine the claim of *James Swan*, as executor of the last will and testament of the deceased *William Dennie*, on the aforesaid estates of *Peter Oliver* and *Peter Oliver, jun.*, Esq's; for the term of one month from the time of their appointment for the purpose aforesaid, at the expence of the said *Swan*, that he may have an opportunity to exhibit his claim within the term mentioned; any law to the contrary notwithstanding.

February 21, 1785.

Chapter 69.

Chap. 69 RESOLVE GRANTING FIVE THOUSAND POUNDS TO THE COMMISSARY OF PENSIONERS, AND DIRECTING THE TREASURER IN WHAT MANNER TO PAY SAID SUM, AND TO DRAW ON THE TREASURY FOR AMOUNT OF PENSIONS PAID.

On the petition of John Lucas, Commissary of Pensioners, praying for a grant of money to enable him to pay the balances due to the pensioners recorded in his office:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *John Lucas*, Commissary of Pensioners, the sum of *Five thousand pounds*, to enable him to pay the several balances due to the pensioners recorded in his office.

And it is further resolved, That the Treasurer of this Commonwealth, be, and he is, hereby empowered and directed to pay the sum granted by this resolve, in certificates in favour of such persons and for such sum as the said Commissary shall request; which certificates shall be received in all taxes heretofore granted, (excepting the two Continental taxes granted in the year 1781, and excepting also the tax granted the last year for the redemption of the army notes, so called,) and also monies arising from the sale of any lands belonging to this Commonwealth, which are ordered by government to be sold.

Also resolved, That the Treasurer of this Commonwealth, be, and he is, hereby directed to draw on the Superintendent of Finance or Treasury Board of the United States, (agreeable to a Resolution of Congress, passed the 23d of *April*, 1782,) for the sum of *Twelve thousand two hundred and fourteen pounds, twelve shillings and five pence*, being the amount of pensions already paid, and which became due the first day of *January*, 1785. And the Treasurer aforesaid is further directed to transmit, with his draft, an attested list of the Continental pensioners in this Commonwealth, together with the amount of their respective pensions, to the first day of *January*, 1785.

February 21, 1785.

Chapter 70.

RESOLVE ON THE MEMORIAL OF JOHN DEMING AND OTHERS, *Chap. 70*
 A COMMITTEE FOR METHODIZING ACCOUNTS, RELATIVE TO
 A SETTLEMENT WITH WILLIAM IMLAY, ESQ; ELECTED BY
 CONGRESS TO RECEIVE AND ALLOW THE CLAIMS OF THIS
 COMMONWEALTH AGAINST THE UNITED STATES, AND EM-
 POWERING THE GOVERNOR AND COUNCIL IN THIS CASE, &c.

Whereas it is represented to this Court by the Committee appointed to exhibit the claims of this Commonwealth against the United States, that differences in opinion have arisen between them and William Imlay, Esq; Commissioner, appointed by Congress to receive and allow the same, on the propriety of certain charges made by this Commonwealth against the United States.

Resolved, That where any such disagreement has already arisen, or may hereafter take place, the committee aforesaid, be, and they hereby are, directed to represent the same, with their opinion thereon, to the Governor, who, with the advice and consent of Council, is hereby empowered to consider of such representations; and in all instances in which it shall appear to the Governor and Council, that any article or articles with respect to which such disagreement exists, ought to be allowed to this Commonwealth, that thereupon the Governor be, and he hereby is, requested to represent the same to the Delegates representing the Commonwealth in Congress, and instruct them to use their influence that the Commissioner aforesaid be directed to allow the same.

It is further Resolved, That the Committee aforesaid, shall, and they are hereby directed to keep a separate account of all charges by them exhibited to the said Commissioner, and not allowed by him, and lay the same from time to time before the General Court for their consideration thereon.

February 22, 1785.

Chapter 71.

RESOLVE ON THE PETITION OF OLIVER WITT, DISCHARGING *Chap. 71*
 HIM OF FOUR HUNDRED POUNDS, RECOVERED AGAINST
 HIM, AND THAT EXECUTION BE DONE FOR THE REMAINDER.

On the petition of Oliver Witt, praying relief from a judgment in favor of the Commonwealth against him:

Resolved, That *Four hundred pounds* of the debt recovered against the said *Oliver*, be, and hereby is, discharged, and that execution be done for the remainder of the said judgment, with incidental charges, in due form of law.

February 22, 1785.

Chapter 72.

Chap. 72 RESOLVE EMPOWERING JOHN BAKER AND JOHN CHOATE, ESQRS; TO TAKE THE COMPLAINT OF WILLIAM PRESCOTT, A PRISONER FOR DEBT IN IPSWICH GOAL, AND TO ADMINISTER AN OATH PRESCRIBED IN AN ACT FOR THE RELIEF OF POOR PRISONERS FOR DEBT, AND TO CAUSE THE CREDITOR TO BE NOTIFIED.

Whereas William Prescott is now a prisoner for debt or damages in the common goal in Ipswich, in the county of Essex, at the suit of Mary Connor, and he having complained that he hath not estate sufficient to support himself in prison, the keeper of the said prison hath thereupon made application to Stephen Choate and John Baker, Esqrs; two Justices of the Peace within the said county, quorum unus, who have appointed Friday, the twenty-fifth day of February current, to take the said complaint into consideration, and, if proper so to do, to administer to the said William, the oath prescribed in and by a law of this Commonwealth, entitled, “An act for the relief of poor prisoners for debt,” and caused the said creditor, her agent or attorney, to be notified thereof; and it being made to appear to this Court, that the said Stephen Choate, Esq; cannot attend at the time appointed for the purpose aforesaid, and that the said William is in such a state of health, that his life will be endangered if he should be continued in prison until a new process should be commenced and prosecuted for the purpose of entitling him to the benefit of the law aforesaid:

It is therefore *Resolved*, That the said John Baker, and John Choate, Esq; another Justice of the Peace in the said county, (they neither of them being of the quorum) be, and they hereby are, empowered fully to hear and determine on the subject of the complaint aforesaid, to administer to the said William (if they shall think proper so to do) the oath aforesaid, and in all things to conduct themselves as two Justices of the Peace within the said county of Essex, quorum unus, might or could conduct

upon the complaint and notification aforesaid; and the doings of the said *John Baker* and *John Choate*, in the premises, shall have the same effects to all intents and purposes whatsoever, as if the same had been transacted by two Justices of the Peace for the same county, *quorum unus*, any law to the contrary thereof notwithstanding.

February 23, 1785.

Chapter 73.

RESOLVE ON THE PETITION OF *JOSEPH RUGGLES*, GRANTING HIM TWO HUNDRED EIGHTEEN POUNDS, SIXTEEN SHILLINGS AND EIGHT PENCE, FOR SUPPLIES TO CAPT. AMOS LINCOLN'S COMPANY OF STATE TROOPS. Chap. 73

On the petition of Joseph Ruggles, praying for allowance for supplying Capt. Lincoln's company of State troops:

Whereas it appears to this Court, that Joseph Ruggles supplied the company of State artillery, under the command of Capt. Lincoln, from the first day of May, 1783, to the 20th of August in the same year inclusive, amounting, in the whole, agreeable to the contract price given by the Continent, to Two hundred eighteen pounds, sixteen shillings and eight pence, for which supplies he has produced sufficient vouchers:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to Joseph Ruggles, Two hundred eighteen pounds, sixteen shillings and eight pence, in full satisfaction for the said supplies.

February 23, 1785.

Chapter 74.

RESOLVE ON THE PETITION OF *J. HUBBARD*, IN BEHALF OF *KITTERY*, IN THE COUNTY OF YORK, REQUIRING *JOHN SWETT*, ESQ; TO RETURN ALL EXECUTIONS ISSUED BY TREASURER FOYE TO *JOSEPH PLAISTED*, ESQ; THEN SHERIFF, TO THE TREASURER OF THIS COMMONWEALTH. Chap. 74

Whereas William Foye, Esq; deceased, formerly Treasurer of the Province of Massachusetts Bay, issued executions against divers Constables in the several towns in the county of York, for the balances due to Government from them respectively, which executions were delivered to Joseph

Plaisted, Esq; then Sheriff of the said county, but since deceased: And whereas it is represented, that the said Sheriff in his life time never compleated the collection of the several sums due on the said executions, which after his decease fell into the hands of his administrators, Joseph Plaisted and Paul Nowell, and after their decease fell into the hands of John Swett, of York, in the said county, Esq; as administrator de bonis non, in whose possession they now remain: And whereas it is further represented, that the administrators aforesaid received divers sums in part payment of the said executions, besides those received by the Sheriff in his life time, which sums are indorsed on the said executions: Therefore, to the intent that justice may be done to the several towns and constables concerned, as well as with regard to the estate of the Sheriff, deceased:

Resolved, That the said John Swett, Esq; in his said capacity, be, and he hereby is, directed and required to return into the office of the Treasurer of this Commonwealth, all the executions aforesaid, on or before the first Wednesday in June next, and certify the same on oath: And the Treasurer is directed to receive the said executions and give a certificate thereof to the said John, specifying the several indorsements on each execution.

And it is also Resolved, That all further proceedings against the said towns and constables respecting the said executions and sums due, be stayed in the mean time, and that the Secretary of this Commonwealth be, and he hereby is, directed forthwith to furnish the said John with an attested copy of this resolve. *February 23, 1785.*

Chapter 75.

Chap. 75 RESOLVE ALLOWING LUKE ALDRIDGE A PENSION OF ONE EIGHTH PART PAY AS SOLDIER, FROM 1779, TILL FURTHER ORDER.

On the representation of Mr. John Lucas, Commissary of Pensioners, in behalf of Luke Aldridge, a soldier in Col. Marshall's regiment, who lost the sight of his right eye, while in the service of the United States, and is thereby rendered incapable of performing much labour:

Resolved, That the said Luke Aldridge be allowed a pension of one eighth part of his pay as a soldier, from the seventh day of December, 1779, until the further order of the General Court or Congress.

February 23, 1785.

Chapter 76.

RESOLVE ON THE PETITION OF JONATHAN TENNY, OF SALEM, *Chap. 76*
 ALLOWING JOSHUA SAWYER AND RUTH, HIS WIFE, AND
 NATHANIEL WALKER AND HIS WIFE, TO ENTER THEIR
 APPEAL AT THE SUPREME JUDICIAL COURT, TO BE HOLDEN
 AT IPSWICH IN JUNE NEXT.

*Upon the petition of Jonathan Tenny, of Salem, in the
 county of Rockingham, and State of New Hampshire,
 tanner, and Mehetable, his wife:*

*Resolved, That Joshua Sawyer, husbandman, and Ruth,
 his wife, and Nathaniel Walker, husbandman, and Han-
 nah, his wife, all of Haverhill, in the county of Essex,
 may, if they see cause, enter at the Supreme Judicial
 Court, next to be holden at Ipswich, within and for the
 said county of Essex, on the third Tuesday of June next,
 their appeal from a judgment rendered at a Court of Com-
 mon Pleas holden at Ipswich, within and for the said
 county of Essex, on the first Tuesday of April last past,
 in an action of ejectment commenced against them by the
 said Jonathan Tenny and his wife; and if the said appeal
 be not then entered, the said Jonathan and Mehetable may
 at the same term enter their complaint and pray affirma-
 tion of that judgment, with additional costs, provided the
 said Jonathan cause the said Joshua and Nathaniel to be
 served with a true copy of this resolve, fourteen days at
 the least before the third Tuesday of June next. And in
 case either the said appeal or complaint be entered as
 aforesaid, the same proceedings shall be had thereon to
 final judgment and execution, as if the same had been
 regularly entered at the term to which the said appeal
 was made.*

February 23, 1785.

Chapter 77.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN *Chap. 77*
 OF BELFAST, AUTHORIZING JONATHAN BUCK, ESQ; TO ISSUE
 HIS WARRANT FOR THE PURPOSES MENTIONED.

*Whereas it appears to this Court, that from the events
 of the late war, the inhabitants of the town of Belfast, in
 the county of Lincoln, were obliged to abandon their dwell-
 ings, and for a number of years seek refuge in the western
 parts of this Commonwealth, and by that means have been
 deprived of the legal method of calling town meetings for*

transacting the public business of the same town: Therefore

Resolved, That *Jonathan Buck*, Esq; be, and he is, hereby authorized and empowered to issue his warrant to some principal inhabitant of the said town of *Belfast*, requiring him to call a meeting of the said inhabitants, in order to their choosing such officers as by law towns in the said Commonwealth are empowered to choose in the month of *March* annually; which officers so chosen shall respectively hold and exercise their offices until the *March* meeting, *One thousand seven hundred and eighty-six*, or until others may be chosen in their stead, as by law directed.

February 24, 1785.

Chapter 78.

Chap. 78 RESOLVE ON THE PETITION OF *JOSEPH LEWIS*, OF *BARNSTABLE*, EMPOWERING THE REGISTER OF DEEDS, WITH THE CONSENT OF THE GUARDIANS TO ALL THE HEIRS OF *JOSEPH LUMBERT*, DECEASED, TO DELIVER TO THE SAID *JOSEPH LEWIS* THE DEED MENTIONED.

Whereas it appears to this Court by the petition of Joseph Lewis, of Barnstable, and papers accompanying the same, that on the 26th day of May, A.D. 1783, the said petitioner, for the consideration of one hundred and fifty pounds, promised him by Joseph Lumbert, of the said Barnstable, did make and execute one deed of conveyance to the said Joseph Lumbert, of all his real estate, and hath received only Three pounds, seventeen shillings and eight pence, in part of the consideration, and never did receive any security for the remainder, by reason of the sudden death of the said Lumbert, which hath reduced the said petitioner to circumstances very distressing, the said deed being lodged in the Register's office, in the county of Barnstable, but not recorded:

Resolved, That the Register of Deeds for the county of *Barnstable*, be, and hereby is, empowered, by and with the consent of the guardians to all the heirs at law of *Joseph Lumbert*, late of *Barnstable*, deceased, to deliver to *Joseph Lewis* the deed above mentioned, he, the said *Joseph Lewis*, first paying to the said guardians for the use of the said heirs, the above sum of *Three pounds, seventeen shillings and eight pence*, any law to the contrary notwithstanding.

February 25, 1785.

Chapter 79.

RESOLVE ON THE PETITION OF *SETH BULLARD*, IN BEHALF
OF THE TOWN OF *WALPOLE*, ABATING A FINE LAID UPON
SAID TOWN. Chap. 79

On the petition of Seth Bullard, in behalf of the town of Walpole, praying abatement of a fine laid on the said town for not sending a representative to the General Court in the year 1782 :

Resolved, That the prayer of the said petition be granted, and that the Treasurer be, and he is, hereby directed to credit the said town of *Walpole*, the sum of *Twenty-eight pounds*, in the tax granted by the General Court in *March, 1783.*

February 25, 1785.

Chapter 80.

RESOLVE ON THE PETITION OF *PHILLIPS WHITE*, EMPOWER-
ING HIM TO CLAIM AN APPEAL FROM A DECREE GRANTING
ADMINISTRATION TO *WILLIAM WHITE*, MADE BY THE JUDGE
OF PROBATE FOR *SUFFOLK COUNTY*, IN 1782, AND AUTHOR-
IZING THE SAID JUDGE TO RECEIVE SAID CLAIM, &c. Chap. 80

On the petition of Phillips White, Esq :

Resolved, That for the reasons set forth in the said petition, the said *Phillips White*, be, and he is, hereby empowered to claim an appeal from a decree, dated the 17th day of *December*, A.D. 1782, made by the Judge of Probate for the county of *Suffolk*, granting to *William White*, of *Boston*, in the same county, merchant, administration on the estate of *William White*, late of the said *Boston*, Esq ; deceased, with the will of the said *William* annexed, to file the reasons of such appeal, and give bonds to the acceptance of the said Judge for prosecuting the same to effect ; provided the same appeal be claimed, the reasons filed, and bond given within one month from the passing of this resolve : And the said Judge of Probate is hereby authorized and empowered to receive such claim of appeal, the reasons thereof, and take bonds accordingly, as though the time limited by law for claiming the said appeal, filing the reasons thereof, and giving bonds to prosecute the same, had not elapsed. And the said *Phillips White* is hereby further empowered to enter the said appeal in the Supreme Court of Probate for this Commonwealth, and file the copies of his case, provided

the same be done within two months from the time of passing this resolve: And after giving such notice to the said *William White*, as the said Supreme Court shall order, to proceed to trial on the merits of his cause, as though the appeal from the decree aforesaid, had been claimed from the Judge aforesaid, and the same entered in the said Supreme Court of Probate, and the copies of his case regularly filed in due season of law, and the said Supreme Court of Probate is hereby authorized and empowered to receive such appeal, and after ordering such notice to be given to the said *William White*, as they shall judge fit, to hear and determine the same, on the merits thereof, in as full and ample a manner as though the same had been claimed from the Judge, the reasons filed, and bonds given, and the same appeal had been regularly entered, and the copies filed in the said Supreme Court of Probate within the time limited by law. *February 25, 1785.*

Chapter 81.

Chap. 81 A RESOLVE GRANTING THREE THOUSAND POUNDS TO THE COMMITTEE FOR PASSING ACCOUNTS.

Resolved, That there be paid out of the public treasury of this Commonwealth to the Committee on accounts, *Three thousand pounds*, to enable them to pay such accounts as have been or may be by them examined and allowed, the said Committee to be accountable for the expenditure of the same. *February 25, 1785.*

Chapter 82.

Chap. 82 RESOLVE ON THE PETITION OF EBENEZER WILLIS AND OTHERS, SELECTMEN OF THE TOWN OF DARTMOUTH, EMPOWERING SAID TOWN TO CHOOSE COLLECTORS.

On the petition of Ebenezer Willis, Stephen Peckham and Jabez Parker, Selectmen of the town of Dartmouth, setting forth, that by a mistake of the Selectmen of the said town, a suitable number of Collectors were not chosen at the last March meeting to collect the taxes for the current year:

Resolved, That the town of *Dartmouth* be authorized and empowered at their annual meeting in *March* next, to choose, beside the Collectors for the year ensuing, such Collectors as ought to have been chosen at their annual meeting in *March* last, to whom shall be committed such

taxes as should have been committed to them for the year last past; and such Collectors so chosen are hereby required and empowered to collect the same, and make due payment thereof according to law,

February 28, 1785.

Chapter 83.

RESOLVE ON THE PETITION OF *ELIJAH ADAMS*, EMPOWERING ANY THREE JUSTICES IN ANY COUNTY WITHIN THIS COMMONWEALTH TO SWEAR THE PERSON MENTIONED

Chap. 83

On the petition of Elijah Adams, praying that some Justice of the Peace might be empowered to take the acknowledgment of certain deeds in said petition mentioned, for reasons there fully set forth:

Resolved, That any three Justices of the Peace for and within any county in this Commonwealth, (*quorum unus*) be, and hereby are, empowered to swear *Sophia March* as a witness to the deeds therein referred to, and that the same shall operate to the acknowledgment of said deeds, as fully as if the said *Sophia* had been sworn in any Court of record in this Commonwealth, any law, usage or custom to the contrary notwithstanding.

February 28, 1785.

Chapter 84.

RESOLVE ON THE PETITION OF *WINSLOW BRIGHAM*, IN BEHALF OF THE TOWN OF *MARLBOROUGH*, EMPOWERING SAID TOWN TO CHOOSE A COLLECTOR.

Chap. 84

On the petition of Winslow Brigham, in behalf of the town of Marlborough, representing that Silas Barns was appointed a Collector for the said town for the years 1781 and 1782, that the said Barns had conducted in such a manner as to induce the Assessors of the said town to demand and receive from him the several assessments committed unto him to collect; and praying that they may be empowered to choose some suitable persons to collect such part of the said assessments as still remain uncollected:

Resolved, That the prayer of the said petition be granted, and that the said town of *Marlborough* be, and they are, hereby empowered at any legal town meeting, to choose and appoint some suitable person as a Collector for the said town, to finish the said collections; and the

person who shall be chosen in manner aforesaid, shall be, and is hereby, invested with full power and authority to collect all such sum or sums of money as may be still due on the assessment delivered to the said *Silas Barns* to collect, in as full and ample a manner as though he had been chosen in either of the years in which the said *Barns* was elected; and the Treasurer of this Commonwealth, the county and town Treasurers, and the Assessors of the said town of *Marlborough*, are hereby directed to govern themselves accordingly.

February 28, 1785.

Chapter 85.

Chap. 85 RESOLVE DIRECTING THE TREASURER TO DISCHARGE THE TOWN OF *BERKLEY*, IN THE COUNTY OF *BRISTOL*, FROM THE PAYMENT OF MONEY DUE FROM *NATHANIEL PHILLIPS*.

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to discharge the town of *Berkley*, in the county of *Bristol*, from the payment of *Three pounds, one shilling and nine pence three farthings*, which sum appears by the Treasurer's books to be due from *Nathaniel Phillips*, Constable of the said town of *Berkley*, in the year 1741; but it appears by receipts from Treasurer *Foye* and Sheriff *Church*, that the full sum which was committed to the said *Phillips* to collect was paid.

February 28, 1785.

Chapter 86.

Chap. 86 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *CHESTERFIELD*, ABATING A TAX LAID ON SAID TOWN, AND PLACING THE SAME TO THE TOWN OF *GOSHEN*.

On the petition of the Selectmen of the town of Chesterfield, praying that so much of the State Tax, No. 4, as relates to that part of Goshen formerly set off from Chesterfield, might be taken off from the said town of Chesterfield:

Resolved, That the sum of *Sixty-eight pounds, nineteen shillings and seven pence*, being one fourth part of the tax set to the town of *Chesterfield*, be abated, and the same sum placed to the town of *Goshen*; and the Treasurer of this Commonwealth is directed to issue his warrants accordingly.

February 28, 1785.

Chapter 87.

RESOLVE ON THE PETITION OF JONAS GLEASON, IN BEHALF OF THE INHABITANTS OF THE PLANTATION CALLED MYRIFIELD, REMITTING A TAX LAID ON SAID TOWN. Chap. 87

On the petition of Jonas Gleason, in behalf of the inhabitants of the plantation called Myrifield, praying for abatement of taxes, and representing that they were charged the sum of Thirty-one pounds, ten shillings, for a Representative's pay, through a mistake, &c.

Resolved, That the sum of Thirty-one pounds, ten shillings, be, and hereby is, remitted to the said inhabitants of the plantation called Myrifield, in State Tax No. 4, being the sum charged them for a Representative's pay in the said tax through a mistake; and that the Treasurer of this Commonwealth, be, and he hereby is, directed to discharge the inhabitants of Myrifield the said Thirty-one pounds, ten shillings, and charge the same sum to the inhabitants of Murrayfield, now called Chester, to whose Representative the said sum was paid.

February 28, 1785.

Chapter 88.

RESOLVE ON THE PETITION OF JOHN ADAMS, DISCHARGING HIM FROM GOAL. Chap. 88

Whereas it appears to this Court by the representation of John Adams, of Lenox, in the county of Berkshire, that in the last year he sold a quantity of rum, and neglected to account with the Collector of Excise in the said county for the duties thereon, for which neglect the said Collector commenced an action, and recovered judgment against the said John Adams, for the sum of Fifty pounds; and execution hath been sued out on the said judgment and the body of the said Adams taken and committed to goal on the same, where he still remains; he therefore prays, that on his paying the duties due to the government and payment of the costs which have arisen, he may be discharged from goal:

Resolved, That the said John Adams, be discharged from goal, he first accounting with the Collector of Excise for the said county of Berkshire, for the said rum so sold as aforesaid, in the same manner as other licensed persons

are obliged by law to account with Collectors of Excise, and pay the duties thereon to the said Collector, together with all costs which have arisen in prosecuting the said action against him; any law or resolve to the contrary notwithstanding.

February 28, 1785.

Chapter 89.

Chap. 89 RESOLVE ON THE PETITION OF EBENEZER STRONG, IN BEHALF OF HIMSELF AND COMPANY OF MILITIA, GRANTING HIM TWENTY-NINE POUNDS, THREE SHILLINGS AND FOUR PENCE, FOR THE USE OF HIMSELF AND COMPANY.

On the petition of Ebenezer Strong, in behalf of himself and company of militia, praying an allowance for mileage:

Resolved, That the prayer of the petition be granted, and that there be paid out of the treasury of this Commonwealth to the said *Ebenezer Strong*, for the use of the said company, consisting of seventy men, officers included, one penny per mile, for each man's travel from *Northampton* to *Saratoga*, being one hundred miles, amounting in the whole to *Twenty-nine pounds, three shillings and four pence.*

March 1, 1785.

Chapter 90.

Chap. 90 RESOLVE CONTINUING THE TIME FOR RECEIVING DUPLICATE RECEIPTS OF BEEF TO THE LAST DAY OF MAY NEXT.

Whereas it is represented to this Court, that duplicate receipts of beef in several towns, either by being mislaid or for want of sufficient attention in those by whom they were sent, have not been received by the Secretary, by which means such towns may be greatly injured: Therefore,

Resolved, That the time for receiving duplicate receipts of beef, be, and hereby is, further continued till the last day of *May* next; and the Secretary is authorized to receive duplicate receipts of beef in order for examination by the Governor and Council, any time before the last day of next *May*; *provided*, that if any expence has arisen by such omission, it shall be borne by the delinquent town.

March 2, 1785.

Chapter 91.

RESOLVE ON THE PETITION OF ROBERT SMITH, GRANTING HIM TWO HUNDRED AND SIXTY-FOUR ACRES OF LAND, AND DIRECTING THE COMMITTEE TO EXECUTE A DEED THEREOF. Chap. 91

On the petition of Robert Smith, praying for a compensation in the unappropriated lands of this Commonwealth, for a right of land in the township called Souhegan East, or Narraganset, No. 5, whereof he was deprived by the running the boundary line between this State and the State of New Hampshire, about the year 1740 :

Resolved, That there be granted, and there is hereby granted, to the said *Smith*, his heirs and assigns, a lot of land containing two hundred and sixty-four acres, marked No. 21, in the survey and plan of Mr. *Barnabas Dodge*, who, *A.D.* 1784, surveyed the lands on the East side of *Penobscot* River, between the twelve townships, (so called) and the head of the tide on the said river, in full compensation for the said right; upon condition however that the said *Smith*, his heirs or assigns, shall, within four years from this date, settle on the said lot, or cause some honest and diligent husbandman to settle thereon, to build a framed house within six years from this date, and clear four acres annually for six years next after the expiration of the said four years.

And it is further Resolved, That the Committee appointed by a resolve of the General Court of the 28th of *October*, 1783, on the subject of the public lands in the county of *Lincoln*, be a Committee on behalf of this Commonwealth to execute a deed of the said lot to the said *Smith* accordingly, with warranty.

March 3, 1785.

Chapter 92.

RESOLVE ON THE PETITION OF SOLOMON PRENTICE, PRAYING FOR A HEARING OF A CERTAIN CASE, AND STAYING JUDGMENT, &c. Chap. 92

On the petition of Solomon Prentice, praying for a hearing of the case, John Campbell plaintiff, vs. the said Solomon Prentice defendant :

Ordered, That the petitioner serve the plaintiff, or *Edward Bangs*, Esq; his attorney, fourteen days before the second Wednesday of the next sitting of the General

Court, of the said petition and this order, and notify him that he appear on the second Wednesday aforesaid, to shew cause, if any he has, why the prayer of the petition shall not be granted; and that in the mean time all further process on the judgment and execution mentioned in the said petition be stayed.

March 3, 1785.

Chapter 93.

Chap. 93 RESOLVE ON THE PETITION OF PAUL DUDLEY SARGENT, EMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF ESSEX, TO DIRECT THE COMMISSIONERS ON WILLIAM BROWN'S ESTATE TO MEET AGAIN.

Whereas it appears to this Court, that many of the debts due from William Brown, late of Salem, an absentee, owing to the creditors residing in other States, and to various other causes, were not laid before the Commissioners on the said absentee's estate, nor reported to the Judge of Probate: Wherefore

Resolved, That the Hon. B. Greenleaf, Esq; Judge of Probate, &c. for the county of Essex, be, and he hereby is, authorized and empowered to direct the Commissioners on the said estate to meet again, for such a length of time as the said Judge may think proper, to hear and liquidate the claims of all such creditors on the said estate as have not hitherto been delivered in, at the expence of the said creditors, and to proceed in all respects touching the same, as to law and right appertains.

March 3, 1785.

Chapter 94.

Chap. 94 RESOLVE ON THE PETITION OF PAUL DUDLEY SARGENT, ALLOWING HIM TO MAKE UP A PAY ROLL FOR SERVICES IN 1775.

On the petition of Paul Dudley Sargent, praying for wages due to him and the field and staff officers of the Regiment he commanded in the year 1775.

Resolved, That the said Paul Dudley Sargent make up the pay roll of the field and staff officers of his regiment for the year 1775, while in the pay of this then State, and lay the same before the Governor and Council for allowance and payment, according to the wages established for those services when the same were performed.

March 4, 1785.

Chapter 95.

RESOLVE GRANTING TO JOHN AVERY, JUN. ESQ; TWO HUNDRED AND SEVEN POUNDS, FIFTEEN SHILLINGS. *Chap. 95*

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *John Avery*, Esq; Secretary, the sum of *Two hundred and seven pounds, fifteen shillings*, in full for his services from *January*, 1784, to the first day of *January*, 1785, over and above *One hundred and forty-two pounds, five shillings*, which he has received in his office during that term.

March 4, 1785.

Chapter 96.

RESOLVE ON THE PETITION OF JOSIAH LEAVITT, THOMAS BROWN AND BENJAMIN RICHARDS, ON A COMMITTEE FROM THE TOWN OF STERLING, EMPOWERING THE ASSESSORS OF THE TOWN OF LANCASTER, IN THE CASE MENTIONED. *Chap. 96*

Whereas it appears that those of the inhabitants of the town of Shrewsbury, together with their estates, who by an act of the General Court passed February 26, 1781, were set off from the town of Lancaster, and annexed to the said town of Shrewsbury, have never been assessed their proportion of the several requisitions of money, beef, cloathing and soldiers, for the year 1781:

Therefore *Resolved*, That the Assessors of the town of *Lancaster* for the year 1781, being first sworn before some Justice of the Peace for the county of *Worcester*, for the faithful performance of the trust reposed in them by this resolve, be, and they hereby are, authorized and directed to assess those inhabitants of the town of *Shrewsbury* aforesaid, so set off, with their estates, their due proportion of the several requisitions aforesaid, which were apportioned on the town of *Lancaster*, by the several acts of the General Court for that purpose, according to the list of polls and estates by which the said inhabitants were assessed in the last tax assessed on them by the Assessors of *Lancaster*, and the same assessments so made to commit to the Sheriff of the county of *Worcester*, who is hereby authorized and directed to collect the same, and the proceeds thereof to pay into the treasury of this Commonwealth, by the first day of *November* next; and the said Sheriff is hereby empowered to use and exercise

all the powers and proceedings which Collectors are by law authorized to in the collecting of taxes, and to depu-
tize either of the said inhabitants of *Shrewsbury*, afore-
said, giving him sufficient bonds to do and perform what-
soever the said Sheriff is hereby authorized to: And the
Assessors of *Lancaster* aforesaid are hereby directed to
perfect said assessment and commit the same to the
Sheriff as aforesaid, before the first day of *April*, next,
and return a fair copy of said assessment to the Treasurer
of this Commonwealth, by the said first day of *April*,
who is hereby directed to stay his execution for the
amount thereof, against the town of *Sterling*, upon their
deficiencies for the year 1781, until the further order of
the General Court.

March 4, 1785.

Chapter 97.

Chap. 97 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN
OF *GRAFTON*, DIRECTING THE TREASURER TO GIVE A
RECEIPT TO SAID TOWN, FOR *TWENTY-NINE POUNDS*, BEING
FOR A FINE FOR NOT SENDING A REPRESENTATIVE.

*On the petition of the Selectmen of the town of Grafton,
praying for the abatement of the fine laid on the inhabi-
tants of the said town for not sending a Representative in
the year 1782, for reasons set forth in the said petition:*

Resolved, That the prayer of the said petition be
granted, and that the Treasurer of this Commonwealth be,
and he hereby is, empowered and directed to receipt the
town of *Grafton*, in Tax No. 3, granted in the year 1782,
the sum of *Twenty-nine pounds*, in full of the said fine.

March 4, 1785.

Chapter 98.

Chap. 98 RESOLVE ON THE PETITION OF *GEORGE WILLIAMS*, AGENT
FOR THE SHIP *BLACK PRINCE*, LOST AT *PENOBSCOT*, DIRECT-
ING THE TREASURER TO ISSUE A NOTE PAYABLE TO SAID
WILLIAMS, AND GIVING HIM LIBERTY TO RECEIVE A NOTE
GIVEN BY COL. *LARKIN THORNDIKE*.

*On the petition of George Williams, agent for the ship
Black Prince, lost at Penobscot, setting forth, that the sum
of Twenty-six thousand two hundred and seventy-eight
pounds, sixteen shillings and two pence, equal to Seventeen
hundred and seventy-nine pounds specie, was due from*

this Commonwealth, to the said George Williams, Larkin Thorndike and Samuel Ward, being their shares of the said ship Black Prince, from the 26th day of July, A.D. 1779, and praying payment thereof:

Resolved, That the prayer of the petition of the said *George Williams*, agent as aforesaid, be so far granted, that the Treasurer of this Commonwealth, be, and he hereby is, ordered and directed to issue a note or notes in behalf of this Commonwealth, payable to the said *George Williams*, or order, for the said sum of *Seventeen hundred and seventy-nine pounds*, specie, bearing date the 6th day of *July*, A. D. 1779, the said note or notes to be on interest from that time, and payable at the same time as notes heretofore issued to other persons sustaining similar losses at *Penobscot* have been ordered to be paid; and he, the said *George Williams*, agent as aforesaid, upon payment of the said sum as aforesaid, to discharge the charter party made by the Board of War in behalf of the said Commonwealth, with the said *George Williams*, agent as aforesaid, in full.

Provided nevertheless, and it is further Resolved, That the said *George Williams*, agent as aforesaid, shall be at liberty to receive of the Treasurer aforesaid, a note of hand, given by the said *Thorndike* to this Commonwealth, in pay of said sum of *Seventeen hundred and seventy-nine pounds*, so far as the same will go, and to receive of the said Treasurer his note or notes, as aforesaid, for the remaining sum, to make up the said sum of *Seventeen hundred and seventy-nine pounds*. *March 2, 1785.*

Chapter 99.

RESOLVE ON THE PETITION OF *HIRAM NEWHALL*, IN BEHALF OF THE TOWN OF *ATHOL*, DIRECTING THE COLLECTORS IN SAID TOWN TO PROCEED IN COLLECTING TAXES.

Chap. 99

On the petition of Hiram Newhall, in behalf of the town of Athol, respecting the collection of taxes in the said town:

Resolved, That the Collectors in the town of *Athol*, proceed in collecting the taxes assessed on such of the inhabitants of the District of *Orange* as before the incorporation of the said district were inhabitants of the said town of *Athol*, and which taxes were granted previous to that time, in every respect, as though the said persons had not been set off from the said town of *Athol*, any law to

the contrary notwithstanding (excepting the money granted by the said town of *Athol*, on the 15th day of *October*, 1783) and that the said town of *Athol*, on the second Wednesday of the next session of the General Court, lay before this Court the evidence of the said town's owing the money granted the said 15th day of *October*, and serve one of the principal inhabitants of the said *Orange*, who were set off from *Athol*, with a copy of the said petition and this resolve, by leaving a copy thereof at his usual place of abode, in the said *Orange*, at least twenty days before the said second Wednesday of the next session of the General Court, that so they may, if they see cause, appear and shew cause, if any they have, why the tax granted on the 15th of *October* aforesaid, should not be collected in manner as in this resolve is first provided.

March 5, 1785.

Chapter 100.

*Chap.*100 RESOLVE ABATING THE TAXES ASSESSED ON THE TOWNS OF BARNSTABLE, EASTHAM, HARWICH, YARMOUTH, SANDWICH AND FALMOUTH, IN THE COUNTY OF BARNSTABLE.

Whereas by representations of the impoverished and distressed circumstances of the towns of Barnstable, Eastham, Harwich, Yarmouth, Sandwich and Falmouth, all in the county of Barnstable, it appears to this Court, that the inhabitants of the said towns are utterly unable to pay the several taxes now assessed on them:

Resolved, That there be, and hereby are, abated of the taxes now due from the several towns abovementioned, assessed on them before the Tax of *July*, 1784, the sums hereafter mentioned, which abatements are to be in full of every allowance to be made to the said towns. on account of any assessments or taxes made before that of *July*, 1784 — To the town of *Barnstable*, *One thousand one hundred and twenty-seven pounds, five shillings and one penny*; to the town of *Eastham*, *Nine hundred and three pounds fifteen shillings and four pence*; to the town of *Harwich*, *Eight hundred and seventy-two pounds, fifteen shillings and ten pence*; to the town of *Yarmouth*, *Two thousand four hundred and thirty-two pounds, three shillings*; to the town of *Sandwich*, *Eight hundred sixteen pounds, eleven shillings and three pence*; to the town of *Falmouth*, *Nine hundred ninety-three pounds, fifteen shillings and ten pence*.

Resolved, That the Treasurer be, and he hereby is, directed to credit the said towns with the said sums accordingly.

Resolved, That the Assessors of the several towns aforementioned be, and they hereby are, empowered to collect from such persons as they may think able to pay, their just proportions of the several sums by these resolves abated to the said towns, and to apply the monies so collected to such use or uses as may be ordered by their several towns.

March 5, 1785.

Chapter 101.

AN ALLOWANCE OF *THREE HUNDRED POUNDS* TO THE AGENTS FOR PROSECUTING THE CLAIMS OF THIS COMMONWEALTH TO LANDS WEST OF *HUDSON'S RIVER*. Chap.101

Ordered, That the sum of *Three hundred pounds* be allowed and paid to each of the said agents, (over and above their expences while absent) as a compensation for their services in prosecuting the business aforesaid to effect.

March 7, 1785.

Chapter 102.

RESOLVE ON THE PETITION OF *MATTHEW NEWHALL*, OF *LYNNFIELD*, EMPOWERING THE SELECTMEN TO ASSESS ON THE SEVERAL PERSONS (BELONGING TO A CLASS FOR PROCURING MEN) SUCH SUMS AS MENTIONED. Chap.102

On the petition of Matthew Newhall, of Lynnfield, praying that the Selectmen of the said district may be empowered to assess on the several persons belonging to the class for procuring men to serve in the Continental Army, agreeable to a resolve of the General Court of the seventh of March A.D. 1782, whereof the said Newhall was the head, the monies advanced and paid by him for procuring a man for said class to serve as aforesaid:

Resolved, That the Selectmen of *Lynnfield* aforesaid, for the time being, be, and they are, hereby empowered and directed to apportion and assess on the polls and estates of the several persons classed in the said class, so much, or such sums of money as it shall appear to them the said *Newhall* paid for the said man for the purpose aforesaid, in the same manner that the Selectmen of the

said district might and should have done, had it been set off from the town of *Lynn* before the resolve respecting the procuring the said men had been made, and the said Selectmen had then at the passing of the said resolve been in office; and the same to commit to a Collector of the said district of the present or ensuing year to collect, in the form prescribed by the said resolve.

March 7, 1785.

Chapter 103.

*Chap.*103 RESOLVE FOR DIVIDING THE COUNTY OF *LINCOLN* INTO TWO DISTRICTS, FOR COLLECTING EXCISE DUTIES.

Whereas there is a great extent of sea coast in the county of Lincoln, and it appears probable that more monies would come into the treasury of this Commonwealth from the duties of impost and excise, in a collection thereof, by having two Collectors in said county, than by the present mode by one Collector only:

Resolved, That the said county of *Lincoln*, (so far only as the collection of the duties of impost and excise is concerned) from and after the passing of this resolve be, and hereby is declared to be divided into two districts, *viz.*: an Eastern and a Western district, and that the River of *Penobscot* be the division of the said districts; and that all the towns and settlements eastward of the said *Penobscot River* be, and hereby are, declared to be the Eastern district; and that the towns and all the other settlements to the westward of the said *Penobscot River*, be, and hereby are, declared to be the Western district; and that there be annually chosen and appointed a suitable person as a Collector of the duties of impost and excise for each of the said districts, agreeable to the laws of this Commonwealth for the choice and appointment of Collectors of the duties of impost and excise for the several counties within the same; and that each of the said Collectors for the said districts in the said county of *Lincoln*, from and after the passing of this resolve, shall be subject in all things to similar obligations, and vested with similar powers and privileges in his said office of a Collector, to those of the several Collectors of the duties of impost and excise chosen and appointed to, and in the several counties of this Commonwealth.

March 7, 1785.

Chapter 104.

RESOLVE ON THE PETITION OF WILLIAM SWAN, IN BEHALF OF
HANNAH MARSH, EMPOWERING THE JUDGES OF THE SUPREME JUDICIAL COURT TO CORRECT A MISTAKE. Chap.104

On the petition of William Swan, Clerk of the Court of Common Pleas of the county of Middlesex, praying that he may be allowed to correct a mistake made by him in making up the judgment upon a certain bond in the same petition mentioned:

Resolved, That the Judges of the Supreme Judicial Court, at the term of the said Court now holden at Boston, within and for the county of Suffolk, be, and they hereby are, directed and empowered to correct a mistake in the judgment of the Court of Common Pleas, held at Cambridge, within and for the county of Middlesex, on the last Tuesday in November, One thousand seven hundred and eighty-three, wherein Hannah Marsh of the said Cambridge, widow, was plaintiff, and William Longly, John Longly and Jonas Longly, were defendants and appellants to the Supreme Judicial Court; and to issue execution for any sum that may by them be found to be justly due, with reasonable costs. March 7, 1785.

Chapter 105.

RESOLVE ON THE PETITION OF JOSEPH WARD, DIRECTING THE COMMITTEE FOR SETTLING WITH THE ARMY TO SETTLE WITH HIM FOR HIS YEAR'S PAY. Chap.105

On the petition of Joseph Ward, Esq; late an officer in the mustering department within this State, praying for a year's advance pay:

Resolved, That the Committee for settling with the army be, and hereby are, directed to settle with the said Joseph Ward for his year's pay, agreeable to a resolve of Congress of the twelfth of October, 1781. March 7, 1785.

Chapter 106.

RESOLVE DIRECTING THE TREASURER TO ABATE THE TOWN OF LEOMINSTER, A TAX LAID ON SAID TOWN FOR THE PAY OF A REPRESENTATIVE, OVER THEIR PROPORTION. Chap.106

Whereas it appears to this Court, that in the last Tax Act the town of Leominster was taxed Six pounds, thirteen

shillings, *for the pay of a Representative, more than the Representative's pay amounted to: Therefore,*

Resolved, That the Treasurer of this Commonwealth be directed, and he is hereby directed, to credit the town of *Leominster* the aforesaid sum of *Six pounds, thirteen shillings*, in the last tax laid on the said town, *July 9, 1784.*

March 8, 1785.

Chapter 107.

Chap.107 RESOLVE DIRECTING THE TREASURER TO CONTINUE CONSOLIDATING PUBLIC SECURITIES TO *JULY* NEXT.

Resolved, That the Treasurer be, and he hereby is, authorized and directed to continue the business of consolidating Government securities, until the first day of *July* next, and on the same terms as heretofore provided.

March 8, 1785.

Chapter 108.

Chap.108 RESOLVE GRANTING *THOMAS PIER THIRTY-SIX POUNDS*, FOR WAGES DUE TO HIS SON, WHO WAS WOUNDED IN THE SERVICE OF HIS COUNTRY.

On the petition of Thomas Pier, praying for a continuance of the wages of his son, a minor, who was wounded and scalped in the service of his country:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the said *Thomas Pier*, the sum of *Thirty pounds*, as a full compensation for the loss of his son's time from the twenty-third day of *October, 1780*, to the twenty-third day of *January, 1782*, being fifteen months, at *Forty shillings* per month.

March 8, 1785.

Chapter 109.

Chap.109 INSTRUCTIONS TO THE HON. *ELBRIDGE GERRY, ESQ;* AND OTHERS, DELEGATES IN CONGRESS FROM THIS STATE.

To the Honorable *Elbridge Gerry, Samuel Holton, George Partridge* and *Rufus King, Esqr's.*

The United States of *America* having formed by the wisdom of their Councils, and established by their exertions, a Federal Union, which is no less necessary to the

freedom of each, than important to the independence of all the States, every measure ought to be adopted and vigorously executed, which can have a tendency to perpetuate an institution, that reflects so much honor upon human nature, and so strongly points the world to the true political felicity of mankind; but whatever marks of wisdom and perfection appear upon the face of this system, it cannot be expected, that provision is made against every species of corruption, which ambition and avarice may attempt to introduce for the subversion of it; and therefore, in the early age of our national existence, the United States in Congress assembled, will doubtless form such resolutions, and establish such principles as will have a tendency to prevent designing men in future ages from sapping the foundation of our federal union.

The world cannot but admire, that prudence and wisdom which by providing for a rotation of Members in Congress fixed one important barrier against corruption; but the Legislature of this Commonwealth observe, with concern and regret, that no provision is made to prevent the Members of Congress from appointing themselves to offices, and it requires no very great share of sagacity to foresee, that unless this point is more effectually guarded, the offices of the Federal Government may hereafter be filled with men who will not be the most capable of serving the people, or the most remarkable for their integrity: and that some persons forsaking the true interests of their country, will take corrupt measures to become Members of Congress, with a view to possess themselves of lucrative employments, whereby offices in themselves unnecessary, may be created and multiplied, and the injured fabrick of our Federal Government be overthrown by the same means that have been employed in prostrating those ancient Republicks, which are seen no more but in the pages of history.

The Legislature of this Commonwealth, therefore instruct you, Gentlemen, to endeavour to procure a resolution of Congress enacting, that no Member of Congress shall be appointed to any office, under the States, during the term for which he shall have been elected.

And that a uniformity of practice upon the Confederation may be observed, and that those republican principles, which call for a cessation of the tenure of offices, at certain fixed periods, may be attended to, the Legislature

instruct you, to use your utmost endeavour to procure a resolution for the annual appointment of the Secretary of Congress, and that you zealously oppose the exercise of that office, by any person who shall not be annually appointed thereunto.

As it can never be for the interest of the States, to have the permanent residence of Congress in any great city, the Legislature of this Commonwealth instruct you to endeavour to have the buildings proposed by an ordinance of Congress of the twenty-third of *December* last, completed as soon as may be; that you exert yourselves to have them constructed with that economy and plainness, which is suitable to the state of a young republic, and with decency suited to the residence of a national Council.

The Legislature further instruct you, to urge Congress to proceed immediately to the important business of securing to the States the free navigation of the River *Mississippi*, and of establishing the eastern boundary of this Commonwealth according to the true intention of the treaty of peace, lately concluded with the King of *Great Britain*.

The Legislature presume, that from the local situation of the United States, and the present state of their finances, they will not think it for their interest to have many foreign officers: Having just emerged from dependence on another power, and taken rank among the nations, it may be necessary to employ Ministers to form such treaties of amity and commerce as promise advantage to our rising Republic; but as soon as such treaties are concluded, they apprehend little can be expected from the residence of Ministers at foreign Courts; they do therefore further instruct you, Gentlemen, to exert your influence in Congress, that Ministers, or other public officers, be not sent or continued in foreign countries, except on such occasions as the public good may absolutely require: And as the character of Republics in general, and the ability of this in particular, make it proper and necessary, that the strictest economy should be observed in all their affairs, we expect that you take care, as far as your influence can extend, that the salaries and allowance of our public officers abroad, and the arrangements and salaries of the departments at home, be so conducted as effectually to coincide with the principles herein expressed.

The Legislature observe, with regret and concern, that no measures have yet been adopted by Congress, for the redemption of the old continental money; and request you to exert your utmost endeavours for the accomplishment of an object, which so nearly affects the interest of the citizens of this State. They also instruct you to use your unwearied and unabated exertions, that Congress do allow and pass to the credit of this Commonwealth, the account of charges they were at, in consequence of their attempt to dislodge the British from their post at *Penobscot*; and that the bounties paid by the several towns within this Commonwealth, to soldiers who served in the Continental Army, be also allowed by Congress.

The Legislature are informed, that Congress have entered, or are about entering into a convention with the Court of *France*, that any Consul appointed by that Court, to reside in any of the United States of *America*, shall have and exercise powers and privileges similar with those vested in Ambassadors; and being deeply impressed with the dangerous tendency of such a measure, do further instruct and direct you, gentlemen, in the most pointed manner, to oppose the ratification of any such agreement; and to take those measures which they shall judge most effectual to prevent the extension of the powers and privileges of Consuls beyond their usual limits.

Read and accepted and thereupon

Ordered, That the Secretary be directed to make out a fair and attested copy of the foregoing instructions and forward them to the Delegates from this Commonwealth in Congress.

March 8, 1785.

Chapter 110.

RESOLVE EMPOWERING THE COLLECTORS OF IMPOST AND
EXCISE, TO EXERCISE THE DUTIES ASSIGNED THEM, UNTIL
THE 12TH OF JUNE, 1786. *Chap. 110*

Whereas the businesses of the Naval Officers and Collectors of Impost and Excise, within this Commonwealth, have strict connections with each other: And whereas by laws now in force the said Collectors are required to render to the Treasurer, on or before the first day of June, annually, fair and accurate accounts of all monies by them respect-

ively received; and to settle and balance their several accounts under oath; which accounts the Treasurer is directed to lay before the General Court, on or before the tenth day of the same month: And whereas the annual choice of Naval Officers, is in the month of June, and it may be more beneficial to the revenue of this Commonwealth, that the Collectors of Impost and Excise should be chosen at the same time:

Resolved, That the Collectors of Impost and Excise, which may be chosen at this session of the General Court, be, and they are, hereby empowered to exercise the several duties assigned to the Collectors of impost and excise, until the 12th day of June, One thousand seven hundred and eighty-six, and until others are chosen in their room; any law or resolve of this Commonwealth to the contrary notwithstanding.

March 10, 1785.

Chapter 111.

Chap.111 RESOLVE EMPOWERING SAMUEL PHILLIPS, JUN., NATHANIEL WELLS AND NATHAN DANE, ESQ'RS, TO SELL CERTAIN LANDS LYING IN THE COUNTY OF CUMBERLAND.

Whereas there are sundry parcels of land belonging to this Commonwealth, and lying in the county of Cumberland, which have never been granted to any private persons, or appropriated to any public use, by retaining the property of which no considerable advantage will probably accrue to the Commonwealth: Therefore,

Resolved, That Samuel Phillips, jun., Nathaniel Wells, and Nathan Dane, Esq'rs., be a Committee with full power and authority to sell and convey all the lands of the aforesaid description, belonging to this Commonwealth, and lying in the county of Cumberland; and in behalf of this Commonwealth, to make and execute deeds thereof to the purchasers, to hold the same to them and their heirs, in fee simple; and the said Committee are hereby vested with all the powers and authorities, touching the lands abovementioned, which the same Committee are vested with by divers resolves of the General Court with respect to the lands in the county of Lincoln, and to account as in the said resolves is directed.

March 10, 1785.

Chapter 112.

RESOLVE ON THE PETITION OF JOSEPH BUFFAM, EMPOWERING
THE JUSTICES OF THE SUPREME JUDICIAL COURT TO TAKE
COGNIZANCE OF THE JUDGMENT MENTIONED, AT THE NEXT
COURT TO BE HELD AT WORCESTER. Chap.112

On the petition of Joseph Buffam, praying that the Supreme Judicial Court may have liberty to rectify a mistake in a judgment by them rendered, as is fully set forth in his petition:

Resolved, That the Justices of the Supreme Judicial Court, next to be holden at *Worcester*, within and for the county of *Worcester*, in *April* next, be, and hereby are, authorized and empowered to take cognizance of the judgment in the said petition mentioned, and give judgment for such further sum as the same Court shall consider as justly due, and to issue execution for the same accordingly; he the said *Joseph Buffam* to notify the said *John Campbell*, named in the said petition, to appear at the said Court to shew cause (if any he has) why judgment should not be rendered as prayed for, by causing an attested copy of the said petition, with this order of Court thereon, to be left at the last and usual place of abode of the said *Campbell*, in the said *Oxford*, fourteen days before the said sitting of the said Supreme Judicial Court at *Worcester*, in *April* next. *March 11, 1785.*

Chapter 113.

RESOLVE AUTHORIZING AGENTS TO PROSECUTE THE CLAIMS
OF THIS COMMONWEALTH TO LANDS WEST OF HUDSON'S
RIVER, TO RESTRICT THE TRIAL BEFORE THE COURT FOR
THAT PURPOSE CONSTITUTED. Chap.113

Resolved, That the Agents appointed to prosecute the claims of this Commonwealth to certain lands described in the petition of the Legislature of the said Commonwealth to Congress, dated *May 27, 1784*, be, and they hereby are, authorized and empowered, (if they see fit) by mutual agreement between them and the Agents on the part of *New York*, to restrict the trial of the said claims before the Court constituted and appointed for that purpose, to such lands as lie westward of *Hudson's River*.

March 11, 1785.

Chapter 114.

Chap.114 RESOLVE ENTITLING JAMES WARREN, JUN., TO HALF PAY AS A LIEUTENANT OF MARINES, FROM THE TIME OF HIS DISCHARGE, 1781.

On the representation of John Lucas, Commissary of Continental Pensioners, in behalf of James Warren, jun., Lieutenant of Marines, who lost one of his legs by a wound he received in an engagement on board the Alliance, Frigate:

Resolved, That the said James Warren, jun., be allowed one half his pay as Lieutenant of Marines, from the first day of November, 1781, being the time of his discharge.

March 11, 1785.

Chapter 115.

Chap.115 RESOLVE INTITLING WAREHAM WARNER, TO ONE SIXTH PART PAY FROM 17TH SEPTEMBER, 1783, UNTIL FURTHER ORDER.

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Wareham Warner, late a soldier in the second Massachusetts regiment, who was regularly discharged therefrom the seventeenth day of September, 1783, on account of a casual injury he received while in the service of his country, and is thereby disqualified for performing any kind of labor:

Resolved, That there be allowed and paid out of the public treasury unto the said Wareham Warner, or order, one sixth part pay of a soldier, from the said seventeenth day of September, 1783, until the further order of the General Court or the Congress of the United States.

March 11, 1785.

Chapter 116.

Chap.116 RESOLVE APPROVING THE CONDUCT OF THE COMMISSIONERS FOR SETTLING THE LINE BETWEEN THIS COMMONWEALTH AND STATE OF NEW YORK, EASTWARD OF HUDSON'S RIVER, AND DIRECTING THE DELIVERY OF PAPERS TO THE AGENTS FOR SUPPORTING THE CLAIMS OF THIS COMMONWEALTH, &c.

Resolved, That this Legislature do fully approve of the conduct of the Commissioners appointed to settle the line between this Commonwealth and the State of New York, eastward of Hudson's River, in their endeavours to ascer-

tain and run the said line conformable to the agreement made and executed at *Hartford*, in *May, A. D. 1773*.

And whereas the said Commissioners have not been able to ascertain and run the said line in conjunction with Commissioners appointed for that purpose by the State of New York, and have therefore desisted from further prosecuting the said business :

Resolved, That the report of the said Commissioners, with the papers accompanying the same, be delivered into the hands of the Agents for supporting the claims of this Commonwealth before a Federal Court, to be holden on the first Tuesday of *June* next ; and the said Agents are hereby authorized and empowered to make use of the papers aforesaid in such manner as they may think will promote the interest of this Commonwealth.

March 11, 1785.

Chapter 117.

A GRANT OF SEVENTY-EIGHT POUNDS TO THE DELEGATES OF THIS COMMONWEALTH, TO FORWARD AN EXPRESS TO THE COMMISSIONERS FOR DETERMINING THE DISPUTES BETWEEN THIS STATE AND NEW YORK. Chap.117

Whereas the Delegates of this Commonwealth at Congress have drawn on the Treasurer of the State for two hundred and sixty Mexican dollars, to enable them to forward an express to the Commissioners appointed for constituting in part a Federal Court for determining the dispute between this State and New York :

Resolved, That the Governor, with the advice of Council, be, and he hereby is, requested to issue his warrant for the aforesaid sum of *Two hundred and sixty Mexican dollars*; and the Treasurer is directed to discharge the same according to the tenor of the draft.

March 11, 1785.

Chapter 118.

RESOLVE ON THE PETITION OF DAVID MEAD, ALLOWING A NEW TRIAL ON A CERTAIN REFERENCE, AND EMPOWERING THE COURT OF COMMON PLEAS TO BE HELD AT CONCORD, AND STAYING EXECUTION. Chap.118

Whereas David Mead hath prayed for a new trial on a certain reference mentioned in his petition, for reasons

therein set forth: And whereas the adverse parties have been notified agreeable to an order of the General Court, to shew cause (if any they had) why the prayer of the said petition should not be granted, but did not appear:

Resolved, That the said *David Mead*, and each of the parties mentioned in a rule of Court entered into at a Court of Common Pleas, holden at *Concord*, within and for the county of *Middlesex*, on the second Tuesday of *September*, *A. D.* 1783, have leave to enter at the same Court at their next term, the several actions which by the said rule were referred to the determination of *Benjamin Brown* and *John Bridge*, Esq's., of *Lexington*, and Captain *Isaac Gleason*, of *Waltham*; and the said Court are hereby authorized and empowered to try and determine the same in the same manner as though the parties had not entered into the said rule; and that execution upon each of the said actions be stayed in the mean time..

March 11, 1785.

Chapter 119.

Chap.119 RESOLVE ON THE PETITION OF *SAMUEL AMEE*, GRANTING HIM SEVENTEEN POUNDS TWELVE SHILLINGS, IN CONSOLIDATED NOTES; AND DIRECTING THE SECRETARY TO FURNISH THE ATTORNEY GENERAL WITH COPIES OF HIS PETITION AND THIS RESOLVE.

On the petition of Samuel Amee, setting forth that one Moses Barker, had, by a forged order, drawn from the treasury of this Commonwealth, the wages due to him, the said Samuel, for his service as a soldier in the late State Train of Artillery, under the command of Captain Amos Lincoln, and praying for the payment of his said wages:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to the said *Samuel Amee*, the sum of *Seventeen pounds, twelve shillings*, by delivering him consolidated notes to that amount, in full for his said service, he giving sufficient security for repayment in case it shall hereafter appear that the said order was not forged; and the Secretary of this Commonwealth is hereby directed to furnish the Attorney General with attested copies of the said petition and this resolve, in order that such proceedings may be had as to law and justice appertains.

March 11, 1785.

Chapter 120.

RESOLVE ON THE PETITION OF *EBENEZER BRIDGE* AND *SAMUEL THATCHER*, ESQ'RS., CONFIRMING THE DOINGS OF *THADDEUS MASON*, ESQ; AS REGISTER OF DEEDS. Chap.120

On the petition of Ebenezer Bridge and Samuel Thatcher, Esq'rs., praying that the doings of Thaddeus Mason, Esq; as Register of Deeds, may be confirmed:

Resolved, That the prayer be granted, and that all records of deeds, as also all copies, attestations and certificates by *Thaddeus Mason*, Esq; attested as Register of Deeds, from the seventeenth day of *March*, 1784, to the fourth day of *December*, of the same year, be, and hereby are, as fully ratified and confirmed, as if the act of the General Court of the seventeenth day of *March*, 1784, (entitled, “An act for the more safe keeping the registry of deeds and conveyances of land, and for appointing the time and manner of choosing Registers,”) had never passed; any other law or resolve to the contrary notwithstanding.

March 12, 1785.

Chapter 121.

RESOLVE ON THE PETITION OF *SAMUEL FIELD*, ADMINISTRATOR ON THE ESTATE OF *SAMUEL MUNN*, EMPOWERING HIM TO EXECUTE A GOOD DEED OF THE ESTATE MENTIONED. Chap.121

Resolved, That *Samuel Field*, administrator on the estate of the said *Samuel Munn*, be, and hereby is, authorized and empowered to make and execute a good and lawful deed of sale to *George Grinnell*, of the whole real estate whereof the said *Samuel Munn* died seized, consisting of about two thirds part of the farm in *Greenfield* aforesaid, on which *Samuel Munn*, father of the said deceased, lately lived, with the buildings thereon, now in possession of the said *George Grinnell*; he the said *Grinnell*, first paying to the said administrator the sum of *Two hundred and fifty pounds*, agreeable to contract, including such sum or sums of money, as the said *George Grinnell* shall make appear to the commissioners appointed to examine the claims of the creditors to the said estate, that he paid to the said *Samuel Munn*, before his decease, in part pay for the aforesaid land and buildings; and the administrator aforesaid shall, before the sale aforesaid, give bond, with

sufficient sureties to the Judge of Probate for the county of *Hampshire*, to account with him for the disposal of the money he shall receive by virtue of this resolve.

March 14, 1785.

Chapter 122.

Chap.122 RESOLVE ON THE PETITION OF JONATHAN FILER, EMPOWERING HIM TO ENTER THE ACTION MENTIONED, AT A COURT OF COMMON PLEAS TO BE HELD AT *PITTSFIELD*, AND STAYING EXECUTION.

On the petition of Jonathan Filer, praying that leave may be given to revive two actions in favor of Solomon Lathrop against him, on which judgments were rendered by the Court of Common Pleas in the county of Berkshire, February Term, 1784:

Resolved, That the said *Jonathan Filer* shall be, and hereby is, empowered to enter the said actions at the Court of Common Pleas, to be holden at *Pittsfield*, within and for the said county of *Berkshire*, on the second Tuesday of *May* next, by filing with the clerk of the said Court attested copies of all the papers contained in those cases; that the said actions shall thereupon be continued to the next term of the holding the said Court; that a notification shall thereupon be made of the premises, and served on the said *Solomon Lathrop*, or his attorney, fourteen days before the sitting of the said Court to which the said actions shall be continued, when the said Court shall proceed in said actions to all intents and purposes as if the said actions had been originally continued to the same Court, and that in the mean time no execution of the judgments aforesaid shall be made.

March 14, 1785.

Chapter 123.

Chap.123 GRANT TO THE HONORABLE PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE, AND TO EACH CLERK.

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the Honorable *Samuel Adams*, Esq; President of the Senate, the sum of *Six shillings* per day, for each day's attendance the present session of the General Court; and to the Hon. *Samuel A. Otis*, Esq; Speaker of the House of Representatives, the sum of *Six shillings* per day, for each day's attendance on the General Court the present session, over

and above their respective pay as members of the General Court.

Resolved, That there be allowed and paid out of the public treasury, to *Thomas Edwards*, Esq; Clerk to the honorable Senate, and to Mr. *George Richards Minot*, Clerk to the House of Representatives, the sum of *Sixty-five pounds*, each, in full for their respective services the year past, including the former grant made to them.

Resolved, That there be allowed and paid out of the public treasury, to the Reverend Mr. *Joseph Eckley*, Chaplain to the two Houses, the sum of *Twelve pounds*, in full for his attendance on the General Court the year past.

March 14, 1785.

Chapter 124.

RESOLVE ON THE PETITION OF *WALTER MCFARLAND*, GRANTING HIM *SEVEN POUNDS, ONE SHILLING* FOR BRINGING TO HIS DUTY A DISOBEDIENT SOLDIER.

Chap.124

On the petition of *Walter McFarland*, *praying that he may be allowed and paid his account herewith exhibited, amounting to Seven pounds, one shilling, being so much by him expended in securing and bringing to his duty a disobedient soldier, who refused to join the corps to which he belonged:*

Resolved, That there be paid out of the treasury of this Commonwealth, to the said *Walter McFarland*, the afore-said sum of *Seven pounds, one shilling*, in full of his said account.

March 14, 1785.

Chapter 125.

RESOLVE ON THE LETTER OF THE HONORABLE *DAVID SEWALL*, ESQ; EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT TO PROCEED TO ASCERTAIN THE VALUE IN CURRENT MONEY OF CERTAIN NOTES.

Chap.125

Whereas in and by an act made and passed in the year 1780, entitled “ An act to provide for the security and payment of the balances that may appear to be due, by virtue of a resolution of the General Assembly, of the sixth of February, One thousand seven hundred and seventy-nine, to this State’s quota of the Continental Army, agreeably to the recommendation of Congress, and for supplying the treasury with a sum of money for that purpose:” Among other things, “ It is enacted, that certain persons therein

named are severally appointed to collect and keep a true account, according to the best of their judgment, of the prices of Corn, Beef, Sheep's Wool, and Sole Leather, in their respective counties, monthly, during the term of eight years, from the first day of January, One thousand seven hundred and eighty, and make a true report of the same into the Secretary's office, upon the last Tuesday in August and on the third Tuesday in February, annually, during the said eight years;" from the average prices whereof the Justices of the Supreme Judicial Court are to ascertain the value, in current money, of certain notes given to the officers and soldiers of the army: And whereas it appears to this Court, that five counties only have made returns, conformably to the said act: Therefore

Resolved, That the Justices of the Supreme Judicial Court, be, and they hereby are, empowered and directed to proceed to ascertain and determine the value in current money, of the notes before mentioned, from such returns as they have received, and their own judgment in the premises.

March 15, 1785.

Chapter 126.

Chap.126 RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE ON ACCOUNTS ABOVE THEIR PAY AS MEMBERS OF THE GENERAL COURT.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each member of the Committee on Accounts, *One shilling* per day, for their attendance upon the business of the said Commission, during the several sittings of the General Court the present year, over and above their pay as members of the Legislature.

March 15, 1785.

Chapter 127.

Chap.127 RESOLVE ON THE PETITION OF JOHN CARNES, FOR AND IN BEHALF OF THE TOWN OF LYNN, PRAYING FOR AN ABATEMENT OF A FINE, &c.

On the petition of John Carnes, for and in behalf of the town of Lynn, praying for an abatement of a fine, &c. set on the said town:

Resolved, That the prayer of the said petition be so far granted, that the town of *Lynn* and district of *Lynnfield*, be, and they are, hereby abated the sum of *Two hundred*

and fourteen pounds, two shillings and six pence, to be divided between them according to the proportion they bear to each other in the taxes, it being what they were set while one town, as a fine (over and above the average price) for a deficiency of five men, required of them by a resolve of the General Court, *December 2, 1780.*

And it is further Resolved, That the sum of *Sixty-one pounds, fourteen shillings and eleven pence*, being the *ten per cent.* for assessing and collecting the fines from the people called Quakers, in the said town of *Lynn*, agreeable to the Militia Act, and which, through inadvertency of the Assessors, was returned to the Treasurer of the Commonwealth, be abated to the said town of *Lynn*; and the Treasurer of this Commonwealth is hereby directed to credit the said town of *Lynn* and district of *Lynnfield*, agreeably to the foregoing resolve, on the Tax No. 3, for the year 1783.

March 15, 1785.

Chapter 128.

RESOLVE GRANTING *THIRTY POUNDS, SIXTEEN SHILLINGS TO GEORGE LITTLE, COMMANDER OF THE SLOOP WINTHROP FOR ADVANCES FOR THE CREW OF SAID SLOOP.*

Chap.128

Whereas it appears by a certificate from the Secretary of this Commonwealth, that George Little, late commander of the sloop Winthrop, has advanced Thirty pounds, sixteen shillings more than he received:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *George Little*, late commander of the sloop *Winthrop*, belonging to this Commonwealth, the sum of *Thirty pounds, sixteen shillings*, in full for what he advanced for the crew of the sloop *Winthrop*.

March 15, 1785.

Chapter 129.

RESOLVE FOR ADJOURNING HAMPSHIRE COURT TO THE FIRST TUESDAY OF MAY NEXT.

Chap.129

Whereas a larger portion of time will necessarily be required for hearing and determining the civil and criminal causes that are now pending, and probably will be pending in the Supreme Judicial Court, in the several counties of Worcester and Hampshire, at the next terms there respectively, than the present arrangement of the said Courts will admit:

It is therefore Resolved, That the Supreme Judicial Court, by law to be held at *Northampton*, for the county of *Hampshire*, on the last Tuesday of *April* next, be, and hereby is, adjourned to the first Tuesday of *May* next, then to be held at the said *Northampton*, within and for the county of *Hampshire*.

And it is further Resolved, That the Supreme Judicial Court, by law to be held at *Plymouth*, within and for the county of *Plymouth*, on the third Tuesday of *May* next, be, and hereby is, adjourned to the third Wednesday of *May* next, being the 18th day of the same month, then to be held at *Plymouth*, for the county of *Plymouth*.

And it is further Resolved, That the Supreme Judicial Court by law to be held at *Barnstable*, in the county of *Barnstable*, for the counties of *Barnstable* and *Dukes County*, on the Wednesday preceding the third Tuesday of *May* next, be, and hereby is, adjourned to the fourth Monday of *May* next, being the twenty-third day of the same month, then to be held at the said *Barnstable*, for the counties of *Barnstable* and *Dukes County*, and parties, witnesses, and all others interested or concerned, are to take notice and govern themselves accordingly. And the Secretary is directed to furnish the Justices of the said Supreme Judicial Court with a copy of these resolves, that they may direct the *venires* for jurymen to be issued accordingly. And the Secretary is likewise directed seasonably to publish these resolves in one of the *Boston* news papers, and also in the *Worcester* and *Springfield* news papers, three weeks successively.

March 15, 1785.

Chapter 130.

Chap.130 RESOLVE ON THE PETITION OF *TIMOTHY WHITNEY*, IN BEHALF OF THE TOWN OF *LOUDON*, DIRECTING THE TREASURER TO RECEIVE THE SUMS MENTIONED.

Upon the petition of Timothy Whitney, in behalf of the town of Loudon, shewing that John Babb, a Collector of public taxes for the said town, hath in his possession Fifteen hundred and twenty-nine dollars, and one half dollar, of Continental bills of credit, and it appearing to this Court that he received said bills to the use of this Commonwealth before the tenth day of June, 1781: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, authorized and directed to receive the aforesaid sum, and discharge the said *Babb* for the amount thereof upon the taxes in the payment of which he is now deficient.

March 16, 1785.

Chapter 131.

RESOLVE DIRECTING THE TREASURER TO BORROW MONEY TO
PAY THE MEMBERS OF THE GENERAL COURT THE PRESENT
SESSION. *Chap.131*

Whereas it may happen, that at the ensuing adjournment of this Court, a sum of money sufficient to pay the members may not be in the treasury: Therefore,

Resolved, That the Treasurer be, and he is, hereby empowered and directed to borrow a sum of money sufficient to pay the members of the General Court for their services during the present session; *provided* there is not a sum adequate to the above purpose now in the treasury.

March 15, 1785.

Chapter 132.

RESOLVE ON THE PETITION OF NATHANIEL DAVENPORT, AU-
THORIZING HIM TO SELL THE ESTATE MENTIONED. *Chap.132*

Upon the petition of Nathaniel Davenport, guardian to Euclit and Thomas Houghton, minors, praying for licence to sell the real estates of the said minors:

Resolved, That the said *Nathaniel Davenport* be, and he hereby is, authorized and empowered to sell and convey all the real estate of which the said *Euclit* and *Thomas* are seized, and make and execute deeds thereof to the purchasers, observing in the sale thereof, all the rules and directions which executors and administrators are holden to in the sale of real estates, and first giving bond, with sufficient sureties, to the Judge of Probate for the county of *Suffolk*, to account with the said minors, when they shall arrive at full age, for the proceeds of the said sale, with interest therefor.

March 16, 1785.

Chapter 133.

RESOLVE ON THE PETITION OF THE TOWN OF TYRINGHAM, TO
RELIEVE THEM OF CERTAIN TAXES MENTIONED. *Chap.133*

On the petition of the town of Tyingham, praying to be relieved of certain taxes.

Resolved, For reasons set forth in the said petition, that the prayer thereof be so far granted, as that there be remitted to the said town, the sum of *Two hundred and twenty pounds, fifteen shillings and five pence halfpenny*, which sum, it appears by the Treasurer's accounts, stands charged against the said town, for taxes deficient from the year 1755 to the year 1760; and the Treasurer of this Commonwealth is hereby directed to credit the said town of *Tyringham* accordingly. *March 16, 1785.*

Chapter 134.

Chap.134 RESOLVE ON THE PETITION OF *NATHANIEL APPLETON*, ESQ; GRANTING HIM A SUM OF MONEY OF THE OLD EMISSION, FOR REASONS MENTIONED.

On the petition of Nathaniel Appleton, Esq; setting forth, that Nine thousand nine hundred and forty dollars of this State's proportion of Continental money, was counterfeited, and that he paid the deficiency out of his own money, and praying that he may be repaid agreeable to the scale of depreciation, &c.

Resolved, That the prayer of the petition be so far granted, as that there be paid out of the public treasury of this State to the said *Nathaniel Appleton*, the afore-said sum of *Nine thousand nine hundred and forty dollars*, in Continental money of the old emission, for reasons set forth in the said petition. *March 16, 1785.*

Chapter 135.

Chap.135 RESOLVE ON THE PETITION OF THE SELECTMEN OF *ASHFIELD*, ABATING A FINE SET AGAINST SAID TOWN.

On the petition of the Selectmen of Ashfield, praying for abatement of a fine set against said town in the Tax Act of March, 1783, for a deficiency of one man to serve in the Continental Army for the term of three years, and it appears to this Court that the said town of Ashfield did actually procure their full quota of the said requisition: Therefore,

Resolved, That the Treasurer be, and he hereby is, directed to credit the said town of *Ashfield* the sum of *Two hundred and thirteen pounds, two shillings and six pence*, in full for the fine and average price of the said man, in the Tax Act of *March, 1783.* *March 16, 1785.*

Chapter 136.

RESOLVE ON THE PETITION OF ROBERT HOOPER, ESQ; AUTHORIZING THE COMMITTEE OF SALES OF ABSENTEES ESTATES, FOR THE COUNTY OF ESSEX, TO SURRENDER UP EVERY PART OF THE LAND, &c. MENTIONED. Chap.136

Whereas this Commonwealth, before their Justices of their Court of Common Pleas, holden at Newbury Port, in and for the county of Essex, on the last Tuesday of September, 1782, recovered judgment for their title and possession of and in a certain messuage, lands and tenements, situate in Marblehead, in the county of Essex, and upon which judgment execution issued, and possession of all the premises recovered as aforesaid was regularly given on the 18th of November following, by the Sheriff of the said county, to Israel Hutchinson, Esq; in behalf of this Commonwealth; and whereas it appears that the said messuage, lands and premises, at the time of the making up of the said judgment, were the legal property, and of right belonged to Robert Hooper, Esq; of the said Marblehead, and that he ought now to be in quiet possession of the same: Therefore,

Resolved, That the said Israel Hutchinson, Esq; with the Committee of Sales of Absentees Estates for the said county of Essex, be, and they hereby are, authorized and directed forthwith to surrender up to the said Robert Hooper, all and every part and parcel of the land, messuage and premises aforesaid, which they hold by virtue of the extension of the execution aforesaid, or by any particular resolve of the legislature of this Commonwealth; any law or resolve to the contrary, in any wise, notwithstanding.

March 16, 1785.

Chapter 137.

RESOLVE ON THE PETITION OF BENJAMIN AND ISRAEL FEARING, IN BEHALF OF THE TOWN OF WAREHAM, APPOINTING A COMMITTEE TO REPAIR TO THE SAID TOWN, VIEW THE CIRCUMSTANCES, AND REPORT, &c. Chap.137

Upon the petition of Benjamin Fearing and Israel Fearing, in behalf of the town of Wareham, representing the inability of the said town to pay the taxes already assessed upon them, and praying for relief:

Resolved, That Elisha May, Charles Cushing, Esq's. and Mr. Thomas Clarke, be a Committee to repair to the

town of *Wareham*, and take a view thereof, and also to make inquiry into the circumstances of the inhabitants, and report a state of the same at the next session of the General Court; the said town of *Wareham* defraying the whole expence of the said committee.

And it is further *Resolved*, That all executions against the said town of *Wareham* be stayed till a final determination of the General Court be had on the report of the committee aforesaid.

March 16, 1785.

Chapter 138.

Chap.138 RESOLVE ON THE PETITION OF THE SELECTMEN OF SALEM, AUTHORIZING MILES WARD TO COLLECT THE TAXES MENTIONED.

On the petition of the Selectmen of Salem, praying that Miles Ward, tertius, may be authorized to collect the public taxes remaining uncollected on the several tax lists, which in the year 1783 were committed to one John Andrew, a Collector of the same town, who has since absconded:

Resolved, That the said *Miles Ward*, tertius, be, and he is, hereby authorized and empowered to collect the public taxes which remain uncollected on the several tax lists aforesaid, as fully to all intents and purposes, as if he had been regularly and legally chosen a Collector for that purpose, and had received, in due form of law, the necessary warrants of collection agreeably thereto, he, the said *Ward*, being first sworn to the faithful discharge of the duties assigned him by this resolve.

March 16, 1785.

Chapter 139.

Chap.139 RESOLVE ON THE PETITION OF JOSIAH WATERS, AS AGENT FOR THE OWNERS OF THE SHIP GENERAL PUTNAM, LOST ON THE EXPEDITION AT PENOBSCOT, GRANTING NINE THOUSAND POUNDS, IN MANNER AS OTHER OWNERS OF VESSELS WERE PAID.

On the petition of Josiah Waters, as agent for the owners of the ship General Putnam, lost on the expedition against the British Post at Penobscot, setting forth, that the said ship was taken by order of this Government into their service, against the consent of the owners thereof; and that the said ship was appraised by persons appointed by

the then Board of War, in which appraisement neither the said owners nor their agent had any voice, nor were consenting thereto; and it appearing that the sum at which this ship was appraised was not equal to her value, compared with the value at which other vessels lost on the same expedition were appraised:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said *Josiah Waters*, as agent to the owners of the said ship *General Putnam*, the sum of *Nine thousand pounds*, lawful money, in the same way and manner as the owners of the other vessels lost on the said expedition were paid, which sum of *Nine thousand pounds* shall be in full payment for the said ship, with her appurtenances and equipments: Provided nevertheless, That if the Treasurer of this Commonwealth has already paid any sum or sums on account of the loss of the said ship *General Putnam*, the same shall be deducted from the aforesaid sum of *Nine thousand pounds*, and the balance thereof only be paid.

March 17, 1785.

Chapter 140.

RESOLVE GRANTING THIRTEEN HUNDRED AND SIXTY-FIVE POUNDS, FOR DEFRAYING THE NECESSARY CHARGES OF THE COUNTY OF ESSEX. Chap.140

On the representation of the Justices of the Court of General Sessions of the Peace for the county of Essex:

Resolved, That there be, and hereby is, granted a tax of *Thirteen hundred and sixty-five pounds*, to be apportioned and assessed on the inhabitants of the said county and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

March 17, 1785.

Chapter 141.

RESOLVE REQUESTING THE LIEUT. GOVERNOR TO FORWARD TO THE DELEGATES AT CONGRESS, COPIES OF THE REPORT OF THE AGENTS WHO REPAIRED TO THE EASTERN PART OF THIS STATE, BY A RESOLVE OF JULY; 1784, &c. Chap.141

Resolved, That his Honor the Lieut. Governor be, and he hereby is, requested to forward to the Delegates of this Commonwealth, at Congress, as soon as conveniently may be, copies of the report made by the Agents appointed by

a resolve of the 7th of *July*, 1784, to repair to the eastern part of this State, to inform themselves of encroachments made by *British* subjects; and also a copy of the letter from *Rufus Putnam*, Esq; to the Legislature, with respect to the eastern boundary of this State, and such parts of the official correspondence between the late Governor *Hancock* and Governor *Parr*, of *Nova Scotia*, touching the same boundary, as may be in the possession of the Lieutenant Governor, with such other information and evidence concerning the same boundary line, as he may be able to procure.

And be it further Resolved, That the Lieut. Governor be requested to inform the said Delegates, that it is the expectation of the General Court, that they use their utmost endeavours to procure such instructions from Congress to their Minister at the Court of *London*, as shall be thought most effectual to prevent any further disputes concerning the said eastern boundary, and cause the encroachments aforesaid to be removed.

March 17, 1785.

Chapter 142.

Chap.142 RESOLVE ON THE PETITION OF *TIMOTHY JACKSON*, OF *NEWTOWN*, GIVING LIBERTY TO THE ADMINISTRATOR OF HIS LATE FATHER'S ESTATE, TO PAY THE PRINCIPAL SUM MENTIONED.

On the petition of Timothy Jackson, of Newtown, setting forth, that previous to the late war, his father was indebted to the estate of the late Jane Eustis, a sum of money by bond, and mortgaged his real estate as collateral security for payment thereof, and that the money due as aforesaid became the property of Sampson Salter Blowers, Esq; an absentee, and that the said bond, during the said war, was carried out of this Commonwealth, so that the same could not be come at to be discharged; that since the establishment of peace, an action of ejectment has been brought against the said Timothy for the possession of the premises mortgaged as aforesaid, and judgment hath been rendered for the same, and the said Timothy is likely to be dispossessed of the said estate, unless the principal sum mentioned in the condition of the said deed is paid, with interest in full, contrary to a resolve of this Commonwealth, passed the last session of the General Court, post-

poning the payment of the interest due on absentees debts, in certain cases, until the sense of Congress could be had thereon: Be it therefore

Resolved, That the said administrator on the said estate of the said *Jackson* shall be, and hereby he is at liberty to pay the principal sum due on the said bond, with the interest thereon, up to the 19th day of *April*, 1775, with such costs and charges of Court as shall or may arise in consequence of the said action brought as aforesaid, and the same shall operate in bar of the said action, as fully as if the whole of the principal and interest due thereon, was paid to the making up the said judgment: Provided always, and this resolve shall not be construed to prevent the future payment of the said interest due since the said 19th day of *April*, 1775, provided the interest due on the debts of absentees shall be finally adjudged by Congress or this Commonwealth as justly due to the said absentees.

Be it further Resolved, That all sums of money paid on the said bond since the said 19th day of *April*, 1775, shall be considered as paid towards the principal and interest, due previous to the said 19th day of *April*, 1775, and not afterwards, any law or custom to the contrary notwithstanding.

March 17, 1785.

Chapter 143.

RESOLVE ON THE PETITION OF *JOHN JENKS*, TO SERVE *SAMUEL MILLER* AND *CALEB HILL*, AS MENTIONED, WITH A COPY OF THE PETITION AND ORDER THEREON, AND STAYING EXECUTION.

Chap.143

On the petition of John Jenks, praying for a trial and hearing at the next Court of Common Pleas, to be holden in and for the county of Berkshire, in an action or plea of trespass on the case commenced against him by Samuel Miller and Caleb Hill, at a Court of Common Pleas, held in said county on the second Tuesday of May, A. D. 1784; and that further proceedings in the said action be stayed in the mean time, for reasons set forth in the said petition.

Resolved, That the said *John* serve the said *Samuel* and *Caleb*, or their attorney, with an attested copy of his petition and this order thereon, fifteen days before the second Wednesday of the next session of the General Court, that they may then appear and shew cause (if any they have) on the said day, why the prayer of the said

petition should not be granted. And it is hereby resolved, that execution, or any further proceedings on the said action, be stayed in the mean time. *March 17, 1785.*

Chapter 144.

Chap.144 RESOLVE ENTITLING JOHN FRANCIS, CAPT. OF THE 11TH MASSACHUSETTS REGIMENT, TO ONE EIGHTH PART OF PAY.

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of John Francis, Capt. of the eleventh Massachusetts regiment, who lost one finger and the use of another finger by a shot, while in the service of the United States:

Resolved, That the said *John Francis* be entitled to receive one eighth part of pay as a Captain, from the nineteenth day of *March*, one thousand seven hundred and eighty, till the further order of the General Court or Congress. *March 17, 1785.*

Chapter 145.

Chap.145 RESOLVE ON THE PETITION OF THE SELECTMEN OF LEICESTER, DIRECTING THE TREASURER TO RECALL THE EXECUTION ISSUED ON ACCOUNT OF THE DEFICIENCY OF THREE CONSTABLES MENTIONED.

On the petition of the Selectmen of Leicester, in behalf of the said town, praying to be relieved from an execution issued against them by Thomas Ivers, Treasurer of the said Commonwealth, for reasons set forth in the said petition:

Resolved, That the Treasurer be, and he hereby is, directed to recall his said execution against the said town, and discharge them from the sum for which the said execution was issued, on account of the deficiencies of three delinquent Constables, viz. *Benjamin Richardson, James Jackson, and John Crowl*, the said sum being *Twelve pounds, eight shillings and seven pence*; it appearing to this Court that the sums aforesaid have heretofore been paid into the treasury. *March 17, 1785.*

Chapter 146.

Chap.146 RESOLVE ON THE PETITION OF JAMES SWAN, ESQ; DIRECTING THE COMMITTEE UPON THE SUBJECT OF UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN, TO SELL HIM LAND, AS MENTIONED.

Whereas it appears to the General Court that James Swan, Esq; is in possession of several certificates or due

bills from the Treasurer of this Commonwealth, payable in gold or silver, from the proceeds of the outstanding taxes, which he is desirous may be received from him in payment for lands: Therefore

Resolved, That the Committee appointed the 28th of October, 1783, upon the subject of unappropriated lands in the county of *Lincoln*, be, and they hereby are, authorized to sell lands to the said *James*, at the value thereof in gold or silver, to the amount of such certificates and due bills, and receive the same certificates or due bills in payment therefor, he giving a receipt thereon, and the same to deliver to the Treasurer of this Commonwealth.

March 17, 1785.

Chapter 147.

RESOLVE ON THE PETITION OF THE HON. JAMES RUSSELL, ESQ; EMPOWERING HIM TO PERFORM ALL THINGS AS EXECUTOR TO THE WILL OF CHAMBERS RUSSELL, ESQ; DECEASED, &c. *Chap.147*

On the petition of the Hon. James Russell, Esq; representing that Jonathan Sewall, Esq; joint executor with him of the will of the late Chambers Russell, Esq; is absent from this country, and that there is no probability of the said Sewall's return:

Resolved, That *James Russell*, Esq; one of the executors of the last will and testament of *Chambers Russell*, Esq; late deceased, be, and he is, hereby empowered to do and perform all things as an executor to the aforesaid will, in as full and ample a manner as he, the said *Russell*, and the said *Sewall*, might have done in conjunction as executors to the said will; any thing in the law to the contrary notwithstanding.

March 17, 1785.

Chapter 148.

RESOLVE EXTENDING LICENCES TO GEORGE SPOONER, AND OTHERS, TO THE NEXT SESSION OF THE GENERAL COURT. *Chap.148*

Whereas the Governor, with the advice of Council, hath granted licence to George Spooner, John Amory, Thomas Oxnard, Nathaniel Chandler, Thomas Brattle, David Green and Isaac Winslow, to reside within this Commonwealth:

Resolved, That the licences aforesaid, be, and hereby are approved, and shall be continued in full force till the

second Tuesday of the next sitting of the General Court :
Provided, The Governor, with the advice of Council,
 shall judge the continuance of the persons licenced as
 aforesaid not incompatible with the safety of the Com-
 monwealth.

March 17, 1785.

Chapter 149.

Chap.149 RESOLVE ON THE PETITION OF JOHN WILEY AND OTHERS, IN
 BEHALF OF THE TOWN OF DALTON, DIRECTING THE TREAS-
 URER TO CREDIT THE SAID TOWN THE TAXES PRIOR TO
 JANUARY 1, 1782.

*On the petition of John Wiley and others, in behalf of
 the town of Dalton, representing that the public taxes are
 greatly accumulated on the inhabitants of the said town
 beyond their abilities to pay; and the representation
 appearing to this Court to be well grounded:*

Resolved, That the Treasurer be, and he hereby is,
 directed to credit the town of Dalton all their taxes prior
 to the first day of January, 1782.

March 17, 1785.

Chapter 150.

Chap.150 RESOLVE ON THE PETITION OF JOSEPH ASHLEY AND MARY
 LEONARD, ADMINISTRATORS ON THE ESTATE OF COL.
 DAVID LEONARD, DECEASED, TO NOTIFY THE CREDITORS
 TO SHELW CAUSE, AND STAYING EXECUTION.

*On the petition of Joseph Ashley and Mary Leonard,
 administrators on the estate of Col. David Leonard,
 deceased, praying that a longer time may be allowed the
 creditors of the said estate to bring in their claims, or to
 confirm the second apportionment made by the Judge of
 Probate for settling the said estate, for reasons set forth in
 the said petition:*

Resolved, That the petitioners notify the creditors of
 the said estate to shew cause, if any they have, on the
 second Thursday of the next sitting of the General Court,
 why the prayer of the said petition should not be granted,
 by publishing a copy of this resolve in the Springfield
 news papers, three weeks before the said second Thurs-
 day, and that all suits against the petitioners in the said
 capacity, in the mean time, be stayed.

March 17, 1785.

Chapter 151.

RESOLVE ON THE PETITION OF HEZEKIAH SMITH, DIRECTING THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES IN THE COUNTY OF ESSEX; AND DIRECTING THE TREASURER TO OMIT CALLING ON SAID SMITH FOR PAYMENT OF HIS NOTE MENTIONED. Chap.151

Whereas it appears that the Rev. Hezekiah Smith, of Haverhill, has served the Commonwealth as a Chaplain in the Continental Army faithfully, and in other respects exerted himself in the cause of his country in the late war, and has represented to the legislature that he has purchased of the Committee for the sale of absentees estates in the county of Essex, a small piece of land, and building thereon, and giving his promissory note therefor, in the sum of Eighty-nine pounds, which he cannot without great difficulty discharge at this time; which representation appearing to be true:

Resolved, That the said Committee for the sale of absentees estates lodge the said note with the Treasurer, and thereupon be discharged to the amount thereof, and that the Treasurer be, and he is, hereby directed to suspend calling on the said *Hezekiah* for the payment of his said note, for and during the term of one year from the time of passing this resolve. *March 17, 1785.*

Chapter 152.

RESOLVE ON THE PETITION OF EBENEZER COOK AND OTHERS, CORDWAINERS, IN BERKSHIRE COUNTY, SUBJECTING NO PERSON WITHIN THIS COMMONWEALTH TO PROSECUTION FOR THE BREACH OF ANY LAW PROHIBITING THE SAME PERSON FROM CARRYING ON MORE THAN ONE BRANCH OF BUSINESS IN LEATHER MANUFACTORY. Chap.152

On the petition of Ebenezer Cook and others, cordwainers, in the county of Berkshire, setting forth, that during the troubles of war, and the unsettled state of things consequent thereon, they were under a necessity to tan and curry their own leather: And whereas there is reason to apprehend that the same causes have operated to the practice aforesaid in many other parts of the Commonwealth: It is therefore

Resolved, That no person whatever within this Commonwealth shall be subject to any prosecution, fine or penalty, on account of the breach of any law prohibiting

the same person from carrying on more than one branch of the business of the leather manufactory, at any time or times between the nineteenth day of *April A.D. 1775*, and the nineteenth day of *April, 1785*.

March 17, 1785.

Chapter 153.

Chap.153 RESOLVE ON THE PETITION OF *JEREMIAH CADY*, EMPOWERING THE SHERIFF OF THE COUNTY OF *BERKSHIRE*, TO RELEASE HIM FROM HIS CONFINEMENT, ON PAYING THE EXCISE MENTIONED.

On the petition of Jeremiah Cady, praying that he may be released from his confinement in Great Barrington goal, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition be so far granted, that on the petitioner's making payment of the excise due to the Collector of Excise of the county of *Berkshire*, and the cost that hath arisen on the suit brought against the said *Cady* for not accounting for the excise on the liquors by him disposed of, according to law, the Sheriff of the county of *Berkshire* is hereby empowered and directed to release the said *Jeremiah Cady* from his confinement in goal on that account ; any law or resolve to the contrary notwithstanding. *March 17, 1785.*

Chapter 154.

Chap.154 RESOLVE ON THE PETITION OF *PATRICK NEEF*, DIRECTING THE TREASURER TO GIVE TWO CONSOLIDATED NOTES, HE GIVING SECURITY TO REFUND IN CASE, &c.

On the petition of Patrick Neef, praying that the Treasurer of this Commonwealth may be directed to give him two consolidated notes, for reasons mentioned in the said petition :

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is, directed to give to the said *Patrick Neef* two notes, one bearing date the first day of *January, 1782*, for the sum of *Thirty-nine pounds, eleven shillings*, with nine months interest paid, endorsed on the said note ; also one bearing date the first day of *November, 1782*, for the sum of *Five pounds, fifteen shillings and six pence*, in place of certain notes of the like tenor and date consumed

by fire; *Provided*, That the said *Patrick Neef* do give security to the Treasurer to refund the value of the notes he shall give as before directed, in case the notes said to be destroyed shall hereafter be offered at the treasury for payment.

March 17, 1785.

Chapter 155.

RESOLVE ON THE REPRESENTATION OF THE TOWN OF BATH, *Chap.155*
DIRECTING THE TREASURER TO CREDIT SAID TOWN A CERTAIN SUM MENTIONED, AND DIRECTING THE COLLECTORS OF SAID TOWN TO PAY SAID SUM INTO THEIR TOWN TREASURY.

On the representation of the town of Bath, setting forth, that they were not credited for the average price of one man which they procured to serve for three years in the Continental Army:

Resolved, That the Treasurer be, and he is, hereby directed to credit the said town of *Bath*, for the sum of *Eighty-five pounds and thirteen shillings*, it being the average price of the men who served for three years in the Continental Army, agreeable to a resolve of *December 2d, 1780*.

And it is further resolved, That the Collector or Collectors of the said town of *Bath* be, and they are, hereby directed to pay the aforesaid sum of *Eighty-five pounds, thirteen shillings* into their town treasury.

March 17, 1785.

Chapter 156.

RESOLVE ALLOWING PAY TO THE MEMBERS OF THE GENERAL COURT AND HON. COUNCIL. *Chap.156*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each member of the Honorable Council of the said Commonwealth, the sum of *Eight shillings* for each day that they have respectively attended, or may attend, in Council, from the nineteenth day of *January* last, until the eighteenth day of *March* current inclusive; — to each member of the Senate the sum of *Seven shillings and six pence*, for each day that they have respectively attended in Senate the present session of the General Court; and to each member of the Hon. House of Representatives, the sum of *Seven shillings*, for each day that they have respectively attended in the

House of Representatives in the same session of the said Court; and that their travel respectively be paid in a proportion conformable to the usage and custom of the said Court.

March 18, 1785.

Chapter 157.

Chap.157 RESOLVE ON THE PETITION OF THE TOWN OF *BOWDOINHAM*, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH THE SUM MENTIONED.

On the petition of the town of Bowdoinham, setting forth, that they were set too high in the last valuation, by reason of a large quantity of wild land, together with a number of inhabitants unable to pay taxes being annexed to them, whereby they became burthened with an undue proportion of taxes:

Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to credit the said town of *Bowdoinham* with the sums hereafter named, *viz.*: In Tax No. 2, *Twenty-five pounds*; Tax No. 3, *Sixty-seven pounds, seven shillings and six pence*; in Tax No. 4, *Seventeen pounds, ten shillings*.

And it is further Resolved, That the Collector or Collectors of the said town of *Bowdoinham*, be, and they are, hereby directed to pay the aforesaid sums with which the same town is credited as abovesaid, into their town treasury; any act or warrant to the contrary notwithstanding.

March 18, 1785.

Chapter 158.

Chap.158 RESOLVE ON THE PETITION OF *ENOCH BARTLETT*, AND OTHERS CONFIRMING A GRANT OF FIVE TOWNSHIPS, LYING BETWEEN *PENOBSCOT RIVER* AND *UNION RIVER*, ON CERTAIN CONDITIONS.

The Committee on the subject of unappropriated lands in the county of *Lincoln*, take leave to report on the petition of *Enoch Bartlett* and others, praying for the confirmation of the grant of six townships lying between *Penobscot River* and *Union River*, which was conditionally made to *David Marsh* and others, on the second day of *March*, 1762: That in their opinion it will be expedient to confirm to the said *Marsh* and others, five of the said townships, *viz.*: No. 1, 2. 4. 5 and 6, on the following conditions, *viz.*:

That the proprietors of the said townships pay to government for each of them, the sum of *One thousand pounds*, in the consolidated notes of this Commonwealth, within one year from this time, with interest.

That the proprietors, within six years from this time, compleat in each township the settlement of sixty good Protestant families, and building of sixty houses, none to be less than eighteen feet square, and seven feet stud, and clear and cultivate five acres of land on each share fit for mowing or tillage.

That in each township they build a suitable meeting house for the Public Worship of God, and settle a learned Protestant minister, and make provision for his comfortable and honorable support; and that in each township there be reserved and appropriated, four whole rights or sixty-four parts, for quantity and quality, in the division of the same, for the following purposes — One for the first settled minister, his heirs and assigns forever; one for the use of the ministry; one to and for the future appropriation of government; and one for the use of a school, forever.

That one half of a proprietor's share already lotted for quantity and quality, (which share contains about one hundred acres) or where a settlement is made on unlotted lands, then such quantity of the said unlotted lands as shall be equivalent thereto, shall be assigned to the settler who settled thereon before the twentieth day of *January*, 1783, his heirs or assigns, in consideration of his performing the duties of a settler; *provided*, he has performed, or shall contract to perform within six years, the duties of a settler as prescribed in this grant; each settler to have his choice of either half of the lotted share, the same having been first divided, as was practised in the first settlement of the said township.

That where a settler has made improvements out of the limits of the said half share so chosen, he shall have liberty to purchase the lands so improved at a reasonable price, estimating the same in a state of nature, or to receive of the proprietor of the said share, a reasonable allowance for such extra improvements, at the settler's election.

And in case of any disagreement about the said price or allowance, or any other matter relating to a settlement, that the same be decided by disinterested men, one of

whom shall be chosen by the proprietor, one by the settler, (and in case they cannot agree) the third by the two chosen as aforesaid.

That each settler shall have liberty at any time within twelve months from this date to purchase of the said proprietors, fifty acres, for quantity and quality, of the unlotted lands in the township where he is settled, at a price not exceeding *Three shillings* per acre.

Provided nevertheless, That where any agreement has been made between a proprietor or proprietors, and a settler or settlers, as to terms of settlement, such agreement shall not be violated.

The Committee have omitted to report respecting the township No. 3, (commonly called *Major Bagaduce*) by reason that on account of its peculiar circumstances, it is, in their opinion, impossible to propose any general principles which will apply in common to that and the other townships, though it may be reasonable to grant them some part of that township, or to make them compensation in some other way.

SAMUEL PHILLIPS, jun.	} Committee.
NATHANIEL WELLS,	
NATHAN DANE,	

Boston, March 15, 1785.

Read and accepted, and thereupon *Resolved*, That the grant of the five townships aforesaid be confirmed to the said *Marsh* and others, on the conditions in the said report.

March 17, 1785.

Chapter 159.

Chap.159 RESOLVE DIRECTING THE TREASURER TO STATE HIS ACCOUNTS TO THE FIRST OF *JUNE* NEXT, TO BE LAID BEFORE THE GENERAL COURT THE SECOND WEEK OF THE NEXT SESSION, &c. AND DIRECTING THE COMMITTEE FOR METH-ODIZING ACCOUNTS TO EXAMINE THE SAID TREASURER'S ACCOUNTS.

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to state his accounts to the first of *June* next, in order that the same may be laid before the General Court in the second week of the next sitting thereof, and that the accounts already exhibited by him and not passed upon, be returned to him. And

It is further resolved, That the Committee for stating and methodizing of accounts, be, and they are, hereby directed to examine the said Treasurer's accounts, form the balance, and make report in the said second week of the Court's sitting, with the Treasurer's accounts stated, as before directed.

March 17, 1785.

Chapter 160.

RESOLVE GRANTING FORTY POUNDS TO BENJAMIN LINCOLN AND HENRY KNOX, ESQUIRES, LATE COMMISSIONERS OF THIS STATE TO ASCERTAIN THE *BRITISH* ENCROACHMENTS AT THE EASTWARD; AND DIRECTING THE COMMISSARY GENERAL TO PAY THE HIRE OF THE SLOOP MENTIONED. Chap.160

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Benjamin Lincoln* and *Henry Knox*, Esquires, late Commissioners on the part of this State to ascertain the *British* encroachments at the eastward, and to treat with the *Penobscot Indians*, the sum of *Forty pounds* each, in full for their services and expenditures in performing the business of their commission: And that the Commissary General of this Commonwealth be, and he hereby is, directed to pay the hire of the sloop employed by the said Commissioners in the business aforesaid.

March 17, 1785.

Chapter 161.

RESOLVE ON THE PETITION OF CHRISTOPHER GORE, ATTORNEY TO ALEXANDER CHAMPION, SURVIVING PARTNER OF THE LATE COMPANY OF CHAMPION AND HAYLEY, EMPOWERING SARAH GRAY TO CONVEY THE REAL ESTATE MENTIONED. Chap.161

On the petition of Christopher Gore, attorney to Alexander Champion, surviving partner of the late company of Champion and Hayley, of the city of London, and Kingdom of Great Britain, praying that Sarah Gray, widow of Ellis Gray, late of Boston, deceased, who was sole acting executor of the last will and testament of Thomas Gray, late of the same Boston, deceased, may be authorized and empowered to convey certain real estate, (in the said petition described) to the said Champion, as surviving partner aforesaid, the same having originally been conveyed by John Pigeon and Jane Pigeon to the said Thomas, for the use of the said Champion and Hayley; of which petition

the heirs and legatees of the said Thomas Gray, together with Mary Hayley, have had due notice to appear and shew cause, if any they had, on the second Wednesday of the present sitting of the General Court, why the prayer thereof should not be granted; which time hath elapsed, and no such cause by either of them being offered:

Therefore, *Resolved*, That the said *Sarah Gray*, an executrix of the last will and testament of the said *Ellis Gray*, executor as aforesaid, be, and she hereby is, in her said capacity, authorized and empowered to convey all the real estate, described in the said petition, to such person or persons, being a citizen of this or either of the United States, as *Mary Hayley* shall direct; the same to enure to the use of the said *Champion* and the legal representatives of the said *Hayley*, deceased.

March 17, 1785.

Chapter 162.

Chap.162 RESOLVE ON THE PETITION OF THE PROPRIETORS OF THE TOWN OF TOWNSEND, GRANTING THEM THE LANDS MENTIONED, ON CONDITION.

Whereas it appears to this Court, that in the year 1719, there was granted unto the proprietors of the town of Townsend, a lot of land, not exceeding six miles square; and that by running the New Hampshire line, ten thousand two hundred and twelve acres were lost, a part only of which has been compensated, to wit, to the late Col. Lawrence, John Farrow and Joshua Wyman, for their proportion of the said lost lands, and that the other proprietors have not been compensated for their lands lost as aforesaid:

Resolved, That the proprietors of the said township of *Townsend*, and other persons interested therein, who have not heretofore received compensation for their said lost lands, shall have, and there is hereby granted unto the said proprietors and persons interested as aforesaid, (part thereof in compensation of their said lost lands) one of the seven townships, A. D. 1784, surveyed and located by *Rufus Putnam*, Esq; between the rivers *Schoodic* and *Cobscook*, to wit, the township marked No. III. on his plan of the said townships, containing twenty thousand seven hundred and thirty-four acres; reserving, however, two hundred acres of good land, near the center of the said township, for the future disposition of Government; they, the said proprietors and persons interested as afore-

said, appropriating, near the center of the said township, two hundred acres to the use of the ministry; two hundred acres to the use of the first settled minister; and two hundred and eighty acres for the use of a grammar school; and paying into the treasury of this Commonwealth, in twelve months from this date, the sum of *Eight hundred and seventy pounds*, in the consolidated securities of this Commonwealth, and settling in the same township, in four years from the date of this resolve, twenty families; each whereof shall build a framed house, and clear six acres of land in five years from this date.

Provided nevertheless, If any of the original proprietors of the aforesaid tract which was taken from *Townsend* by running the said line, and who have not received compensation therefor, shall not, within one year from the date hereof, transmit to the Secretary's office evidence of his being the proprietor, or the heir or assign of such proprietor, then the share which might belong to such proprietor, heir or assign, shall revert to, and become the property of the Commonwealth; and all reasonable expences for lotting the said township, which might be reasonably charged on the share of such proprietor, heir or assign, shall be paid out of the public treasury: And also provided, that so much of the aforesaid sum of *Eight hundred and seventy pounds* in consolidated notes shall be returned to the said proprietors, as shall be a just proportion of those proprietors shares as may revert to Government as aforesaid — on condition, however, that this grant shall not operate until the said proprietors shall execute a release to this Commonwealth of the lands lying in the westerly part of this State granted to them by a resolve of the General Court of the 25th day of *April*, A. D. 1771, and of all other lands which may have been heretofore granted to the said proprietors in compensation for their aforesaid loss.

And be it further Resolved, That the Committee appointed by a resolve of the twenty-eighth of *October*, A. D. 1783, on the subject of unappropriated lands in the county of *Lincoln*, on the said proprietors and persons interested as aforesaid giving security for the payment of the sum aforesaid, give a good deed of conveyance of the said township to the proprietors and persons interested aforesaid, containing a fair description of the boundaries thereof.

March 17, 1785.

Chapter 163.

Chap.163 RESOLVE FOR REPEALING A RESOLVE PASSED ON THE PETITION OF *GEORGE WILLIAMS, ESQ*; AND OTHERS, DIRECTING THE TREASURER TO ISSUE A NOTE PAYABLE TO SAID *WILLIAMS*, FOR THE SHIP *BLACK PRINCE*, LOST AT *PENOBSCOT*.

Whereas by a resolve of the General Court of this Commonwealth, of the second day of March instant, a certain mode was adopted for settling with George Williams, Esq; as agent of the ship Black Prince, for the amount of the sums due to the owners of the same ship, for the loss thereof in the expedition against Penobscot, in the year 1779, which mode of settlement, upon mature consideration, appears to be very unequal as applied to the other creditors of government:

Therefore *Resolved*, That the abovementioned resolution of the second of *March* inst., be, and it is, hereby repealed and made null and void to all intents and purposes; and the Treasurer of this Commonwealth is directed to govern himself accordingly.

March 17, 1785.

Chapter 164.

Chap.164 RESOLVE REFERRING TO THE GOVERNOR AND COUNCIL THE ERECTION OF A MONUMENT TO THE MEMORY OF MAJOR-GENERAL *WARREN*, AND THE DOINGS OF CONGRESS RELATIVE THERETO.

The Committee of both Houses, to whom was referred the Governor's message of the 25th of January, respecting the erection of a monument to the memory of Major General Warren, and the doings of Congress relative thereto, beg leave to report, that Congress, on the eighth day of April, 1777,

Resolved, That a monument should be erected to the memory of that illustrious hero, with an inscription which follows the resolve; and on the 12th of the same month *Resolved*, That *Five hundred dollars* should be allowed for that purpose; and at the same time recommended to the then executive powers of the *Massachusetts Bay* to carry their resolutions into execution: Your committee are therefore of opinion, that the present executive power of this Commonwealth is fully adequate to, and sufficiently authorized to compleat the virtuous designs of Congress

expressed in the aforementioned resolves; and that the papers be referred back to the Governor and Council accordingly.

March 17, 1785.

Chapter 165.

RESOLVE REQUIRING DELINQUENT TOWNS TO EXHIBIT DUPLICATE RECEIPTS OF BEEF, ON OR BEFORE THE FIRST DAY OF JULY, 1785; AND DIRECTING OLIVER PHELPS, ESQ; TO RETURN THE BEEF RECEIPTS OF AGENTS INTO SECRETARY'S OFFICE.

Chap.165

Whereas the Secretary of this Commonwealth was directed by a resolve of this Court, passed the 12th day of November, 1784, to make a list of the receipts of the agents for the several counties who acted under Oliver Phelps, Esq; and deliver the same to the said Phelps, taking his receipt therefor, in order to enable him to compleat a settlement with the said agents; and it is necessary the said receipts should be again lodged in the said office, in order that the receipts which may hereafter be returned by delinquent towns may be duly examined: Therefore

Resolved, That Oliver Phelps, Esq; be, and he is, hereby directed to return the said agents receipts into the Secretary's office, as soon as may be after he shall have compleated the settlements with said agents.

And whereas great inconveniencies result to this Commonwealth by the neglect of towns to exhibit duplicate receipts for beef, procured by them on the several requisitions of the General Court, by retarding the settlement of the several agents: Therefore

Resolved, That all such delinquent towns as shall neglect to exhibit their duplicate receipts to the Secretary on or before the first day of July next, be, and are, hereby precluded from any advantages which might accrue to such town by their exhibiting such receipts.

March 17, 1785.

Chapter 166.

GRANT TO WILLIAM BAKER, OF SEVENTY POUNDS FOR SERVICES AS MESSENGER TO THE GENERAL COURT.

Chap.166

On the petition of William Baker, messenger to the General Court, praying allowance for six months service, ending the sixth day of May next:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth unto the said *William Baker*, the sum of *Seventy pounds*, in full for his services as messenger to the General Court, for six months, ending the sixth day of *May* next.

March 17, 1785.

Chapter 167.

Chap.167 RESOLVE GRANTING CAPTAIN JOHN READ EIGHTEEN POUNDS FOR A WHALE BOAT.

Whereas it appears to this Court by a certificate from William Lithgow, Esq; that Capt John Read furnished a whale boat and appurtenances for the use of the troops under the command of Col. James Hunter, in the year 1782 :

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to Capt. *John Read*, the sum of *Eighteen pounds*, in full for the said whale boat, and her appurtenances, and that the same be charged to the United States, agreeable to a resolve of the General Court, passed *March 7, 1782.*

March 17, 1785.

Chapter 168.

Chap.168 RESOLVE ON THE REPORT OF WILLIAM LITHGOW, JUN., EMPOWERING SAID WILLIAM AND OTHERS, AS MENTIONED, TO TREAT WITH THE PENOBSCOT TRIBE OF INDIANS, RESPECTING THEIR CLAIMS TO LANDS ON PENOBSCOT RIVER.

On the report of William Lithgow, jun., Esq; pursuant to the direction of the Legislature, stating the claims of the Indians to lands on Penobscot River :

Resolved, That *William Lithgow, jun., Thomas Rice* and *Rufus Putnam, Esq's.*, be, and hereby are, authorized and empowered to treat with the *Penobscot* Tribe of Indians respecting their claims to lands on the River *Penobscot*; to make full enquiry into the nature and extent of their said claims, and by an amicable treaty to adjust and ascertain the same, so far as may be practicable, and in behalf of this Commonwealth, by the use of all fair, open and honorable methods, to endeavour to obtain from the said Indians an acquittal and relinquishment of their possessions, and a release of all their claims and pretentions of title to the said lands; and in case the

same cannot be obtained, to agree upon and limit the boundaries of their said claims and possessions on terms mutually advantageous and satisfactory to the parties, and to perform the same as soon as possible, and report their doings thereon to the General Court for confirmation.

March 18, 1785.

Chapter 169.

RESOLVE ON THE PETITION OF STEPHEN CROSS, EXPLAINING
A RESOLVE PASSED THE 21ST FEBRUARY LAST, PERMITTING
HIM TO SWEEP PENOBSCOT RIVER. Chap.169

On the petition of Stephen Cross, praying for a revision or explanation of a resolve permitting him to sweep the River Penobscot, passed the General Court the 11th instant:

Resolved, That the following words which conclude the said resolve, *viz.*: *Or as shall hereafter otherwise be ordered*, be, and they are, hereby repealed.

March 18, 1785.

Chapter 170.

RESOLVE RESPECTING MONEY DUE TO THE ESTATES OF
DECEASED OFFICERS AND SOLDIERS. Chap.170

Whereas there is reason to apprehend, that great impositions have been practiced upon the heirs of deceased officers and soldiers who belonged to the army of the United States:

Resolved, That the Treasurer of the Commonwealth be, and he is, hereby directed not to deliver any notes, or pay any money that is due to the estate of any officer or soldier who has belonged to the Continental Army, unless an order for the same from the heirs, executor or administrator of the said deceased, shall be presented by a member of the Council or Senate belonging to the same county, or by a Representative of the same town to which the said heirs, executor or administrator respectively belong; or in case there shall be no Representative from such town, then by a Representative of any town adjacent.

March 18, 1785.

Chapter 171.

Chap.171 RESOLVE ON THE PETITION OF JOHN GODDARD, IN BEHALF OF THE TOWN OF BROOKLINE, EMPOWERING THE ASSESSORS TO MAKE OUT A WARRANT TO EBENEZER DAVIS, TO COLLECT THE RATES DUE IN 1781.

On the petition of John Goddard, in behalf of the town of Brookline, praying that the present Assessors of the town of Brookline may be empowered to make out warrants to Ebenezer Davis, Collector of taxes for the town of Brookline, for the year 1781 :

For reasons set forth in the said petition,

Resolved, That the prayer of the said petition be granted, and the present Assessors of the town of *Brookline*, or the Assessors that shall be chosen at the next annual meeting legally holden at the said *Brookline*, as the case may require, the said Assessors be, and hereby are, empowered and directed to make out a warrant to the said *Ebenezer Davis*, requiring him to collect the rates that are due on the bill committed to him to collect in the year 1781, in hard money, according to the value thereof, established by the scale of depreciation, and pay the money into the treasury of the town of *Brookline*, within six months from the date of the warrant granted to the said Collector ; any act or resolve to the contrary notwithstanding.

March 18, 1785.

Chapter 172.

Chap.172 RESOLVE ON THE PETITION OF WILLIAM HARTSHORN, DIRECTING THE TREASURER TO DELIVER TO THE SAID HARTSHORN NOTES FOR THE PAYMENT OF ISAAC WALTON'S WAGES.

On the petition of William Hartshorn, setting forth, that his wife was sister and only heir to Isaac Walton, who engaged in the Continental Army in the year 1777 ; and on the eighth day of November, 1778, the said Isaac died, as appears by Colonel Crane's return ; and that on the third day of August, 1783, an order was forged, purporting to be under the hand of the said Isaac, and presented to the Treasurer (by one Stephen Thayer) for payment of the aforesaid Isaac's wages, and was accepted and paid accordingly, by which means the said William hath been defrauded : Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to make out and deliver to the aforesaid *William Hartshorn*, notes, in the same manner, and for the same sum, as if no notes ever had been issued for the payment of the aforesaid *Isaac Walton's* wages; provided the said *William* shall produce sufficient vouchers that his wife is the only legal heir to the said *Isaac*.

March 18, 1785.

Chapter 173.

RESOLVE ON THE PETITION OF *PHINEAS PARKER* AND *LYDIA*,
HIS WIFE, EMPOWERING THE JUDGE OF PROBATE FOR THE
COUNTY OF *MIDDLESEX* TO APPOINT A COMMITTEE TO MAKE
PARTITION OF THE LANDS AND BUILDINGS MENTIONED. *Chap.173*

On the petition of Phineas Parker, jun., and Lydia, his wife, administratrix on the estate of Ebenezer Daman, late of Reading, in the county of Middlesex, deceased, and Thomas Daman, of the said Reading, setting forth, that the said Ebenezer and Thomas, in the life time of the said Ebenezer, purchased certain lands and buildings in equal halves; and that it so happened that the said Ebenezer took a deed of the whole in his own name, and that it still remains unsettled; — therefore pray, that the Judge of Probate for the said county of Middlesex may be empowered to make partition of the said lands and buildings between the heirs of the said Ebenezer Daman and the said Thomas Daman in equal halves: Therefore,

Resolved, That the prayer of the said petition be so far granted, that the Judge of Probate for the county of *Middlesex*, be, and he hereby is, empowered to appoint a committee to make partition of the abovesaid lands and buildings, in equal halves, between the heirs of the said *Ebenezer Daman*, deceased, and the said *Thomas Daman*; and to make a record of this resolve, with his doings thereon; which doings shall be a good title to the said *Thomas*.

March 18, 1785.

Chapter 174.

RESOLVE ON THE PETITION OF *SAMUEL LEE*, ALLOWING HIM
SEVEN POUNDS, TWO SHILLINGS AND ELEVEN PENCE,
WHICH APPEARS TO BE DUE ON THE ROLL OF CAPTAIN
EPHRAIM STEARNS. *Chap.174*

On the petition of Samuel Lee, representing, that he served three months in the Continental Army in the year

1780, in the service of this State, and praying allowance for the same; and it appearing to this Court that the same has been paid to John Lee by mistake: Therefore,

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the said *Samuel Lee*, or order, the sum of *Seven pounds, two shillings and eleven pence*, which appears to be still due on the roll of Captain *Ephraim Stearns*, which will be in full for the said service.

March 18, 1785.

Chapter 175.

Chap.175 RESOLVE ON THE PETITION OF ASA DRURY, AUTHORIZING JOSIAH STONE, ESQ; AND OTHERS, GUARDIANS OF THE INDIANS MENTIONED, TO CONSIDER THE VALUE OF THE MONEY PAID, AND VALUE OF LAND SOLD TO BODEN AND DRURY; AND DIRECTING THE APPROPRIATION.

The Guardians of the *Natick Indians*, to whom was committed the petition of *William Boden* and *Asa Drury*, report, that they find the facts to be as follows, viz.:

In *March, 1780*, *William Boden* bought twenty-five acres of *Indian* land for *One thousand two hundred and thirty pounds*, paper money, which, by the scale, is *Thirty-two pounds, thirteen shillings*, specie. The said Guardians judge the said land to be worth about *forty shillings* an acre. Part of the money was applied to purchase other lands; the rest, we suppose, is spent.

Asa Drury has bought two pieces of land of the said *Indians*, viz. : nineteen acres at *Two thousand one hundred and ninety-seven pounds, ten shillings*, *December, 1780*, in specie *Twenty-nine pounds, six shillings*, worth about *forty shillings* per acre. Also, eight acres more, at *Ten pounds, six shillings*, specie, valued by the said Guardians at *twelve pounds*. How the money has been applied is uncertain. All which is submitted.

JOSIAH STONE, per order.

Read and accepted, and

Resolved, That *Josiah Stone*, Esq; Captain *Eleazer Kingsbury* and Captain *Joseph Twitchel*, who are the guardians of the said *Indians*, be, and hereby are, fully authorized and empowered to consider the value of the money paid to, and the value of the land sold by, the

said *Indians*, to the said *Boden* and *Drury*, together with other circumstances attending the said sales: and upon the said *Boden* and *Drury's* complying with terms consistent with justice, the Guardians aforementioned, are hereby directed to confirm the said deeds to the said *Boden* and *Drury*, by signing their consent to the same; which being done, the said deed shall be as valid in law as the same would have been if there had been no impediment in law to the same deeds. And they, the said Guardians, are directed to appropriate the monies they may receive in consequence of the foregoing resolve, to and for the use of the *Indian* or *Indians* to whom the same of right by law belongs; and to account with the General Court agreeable to law. *March 18, 1785.*

Chapter 176.

RESOLVE ON THE PETITION OF *LEMUEL BURRELL*, OF CAMBRIDGE, TO SERVE *DAVID SANDERSON* WITH A COPY OF HIS PETITION AND ORDER THEREON, TO SHEW CAUSE, AND STAYING EXECUTION IN THE MEAN TIME. *Chap.176*

On the petition of Lemuel Burrell, setting forth, that David Sanderson, of Petersham, had obtained a judgment of Court for Three hundred and one pounds, eleven shillings, against the said Lemuel, by accident; and praying that he may re-enter his action against said Sanderson, as mentioned in the said petition:

Resolved, That the said *Lemuel Burrell* serve the said *David Sanderson* with an attested copy of his petition, with this order of Court thereon, fourteen days before the next sitting of the General Court, that he shew cause on the second Wednesday of the said next sitting of the General Court, (if any he hath) why the prayer of the said petition should not be granted; and that the execution in favour of the said *Sanderson* against the said *Burrell*, be stayed in the mean time. *March 18, 1785.*

Chapter 177.

RESOLVE ON THE PETITION OF *GEORGE MAKEPEACE*, DIRECTING THE DELIVERY OF A QUANTITY OF COCOA SEIZED BY THE COLLECTOR OF EXCISE IN SUFFOLK COUNTY. *Chap.177*

On the petition of George Makepeace, representing that a considerable quantity of cocoa belonging to him has been

seized by the Collector of Excise for the county of Suffolk, occasioned wholly by the ignorance of the person who purchased the same for him, and the waygoner who was to convey it from the State of Rhode Island not knowing the law respecting dutied articles; and praying the consideration of this Court:

Resolved, That the prayer of the said petition be so far granted, as that the said cocoa be delivered to him by the Collector of Excise, he first satisfying the said Collector for his part of the forfeiture, and paying the duties thereon, and all the costs and charges which have arisen on the prosecution of the same, together with the fees which by law accrue to the Collector for seizing the same.

March 18, 1785.

Chapter 178.

Chap.178 RESOLVE ON THE PETITION OF *GEORGE GROUCE*, GRANTING HIM FORTY POUNDS, SIXTEEN SHILLINGS AND FOUR PENCE, IN CONSOLIDATED NOTES.

On the petition of George Grouce, of Brunswick:

Resolved, That there be paid out of the treasury of this Commonwealth to the petitioner, the sum of *Forty pounds, sixteen shillings and four pence*, in consolidated notes, to be dated *February 1, 1785*, with interest added to said notes, from *January 1, 1781*, in full consideration of notes belonging to him which were drawn out of the treasury by another person of the same name, belonging to *Beverly*.

March 18, 1785.

Chapter 179.

Chap.179 RESOLVE GRANTING *THREE HUNDRED POUNDS* TO THE COMMITTEE APPOINTED ON THE SUBJECT OF THE UNAPPROPRIATED LANDS IN THE COUNTY OF *LINCOLN*.

Resolved, That there be paid out of the treasury of this Commonwealth to *Samuel Phillips, jun., Nathaniel Wells and Nathan Dane, Esq's.* a Committee appointed on the *28th October, 1783*, on the subject of unappropriated lands in the county of *Lincoln*, *Three hundred pounds*, to enable them further to prosecute the business assigned them; the said Committee being accountable for the said sum.

March 18, 1785.

Chapter 180.

RESOLVE DIRECTING THE TREASURER, WHERE HE HAS ISSUED NEW SECURITIES TO SOLDIERS IN THE LATE CONTINENTAL ARMY, FOR THEIR PAY, WHICH HAS BEEN OBTAINED BY FORGED ORDERS, TO PUBLISH THE NUMBER, DATE, &c. OF THE SECURITIES, AND TO WHOM PAYABLE, AND TO PAY NO INTEREST, AND TO FURNISH THE ATTORNEY GENERAL WITH THE PAPERS, &c. AND GIVING A BOUNTY OF *THIRTY POUNDS* UPON INFORMATION OF ANY PERSON OFFENDING AS MENTIONED. Chap.180

Whereas it is represented to this Court, that sundry persons have fraudulently obtained of the Treasurer of this Commonwealth securities of this government, for pay and wages due to the late soldiers of this State, in the army of the United States; and justice requires that where it is clearly ascertained that any soldier hath been thus defrauded, new notes should be issued, and measures should be taken to detect the aforesaid fraud:

Resolved, That in all cases where the Treasurer of this Commonwealth has been, or shall be, directed to issue new securities to soldiers in the late Continental Army for their pay and wages, which may have been obtained by forged orders, he shall immediately cause to be published the number, date and amount of the securities, and to whom payable, in order that the person who may have thus obtained the securities, may be detected; and the Treasurer is hereby directed to pay no interest on such securities until the further order of the General Court; and he is hereby further directed to furnish the Attorney General with all papers necessary to detect the fraud aforesaid.

And it is further Resolved, That whoever shall give information of any person or persons offending as aforesaid, so that he or they shall be thereof convicted, shall be entitled to receive, out of the treasury of this Commonwealth, the sum of *Thirty pounds*. *March 18, 1785.*

Chapter 181.

RESOLVE DIRECTING THE TREASURER TO PAY MR. SAMUEL PAGE FOR A FORMER SESSION OMITTED. Chap.181

Whereas it appears that Samuel Page, a Representative from Salem, was omitted in the pay roll for the year 1783:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to pay the said *Samuel Page* for his travel one session, and for thirty-eight days attendance in the said year. *March 18, 1785.*

Chapter 182.

Chap.182 RESOLVE JOINING *RUFUS KING*, ESQ; TO THE COMMISSIONERS FOR SUPPORTING THE CLAIM OF THE COMMONWEALTH TO LANDS WEST OF *HUDSON'S RIVER*, AND REQUESTING THE GOVERNOR TO COMMISSION HIM.

Resolved, That *Rufus King*, Esq; be, and he hereby is, appointed an Agent on the part of this Commonwealth in addition to *John Lowell*, *James Sullivan* and *Theophilus Parsons*, Esq's. to prosecute the business of the claim of the Commonwealth to the Western Territory before the Federal Court, instituted for the purpose of hearing and determining the controversy between this Commonwealth and the State of *New York*; and that the Governor be, and he hereby is, requested to grant him a commission for that purpose.

March 18, 1785.

Chapter 183.

Chap.183 RESOLVE ENTITLING *JERATHMEEL DOTY* TO ONE-THIRD PAY AS A MARINE, FROM THE 1ST OF *APRIL*, 1783, UNTIL FURTHER ORDER.

On the representation of John Lucas, Commissary of Pensioners, in behalf of Jerathmeel Doty, a marine on board the Continental Frigate Alliance, who was shot through the body with a musket ball while in the service of the United States:

Resolved, That the said *Jerathmeel Doty* be entitled to receive one-third part of pay as a marine, from the first day of *April*, one thousand seven hundred and eighty-three, till the further order of the General Court or Congress.

March 18, 1785.

Chapter 184.

Chap.184 RESOLVE ON THE PETITION OF *WILLIAM LITHGOW*, ESQ; DIRECTING THE TREASURER NOT TO ISSUE HIS EXECUTIONS AGAINST SEVERAL TOWNS IN THE COUNTY OF *LINCOLN*, FOR THEIR DEFICIENCIES IN PROCURING MEN AND BEEF, UNTIL THE END OF THE NEXT SITTING OF THE GENERAL COURT.

Whereas this Court hath considered the petition of William Lithgow, jun., Esq; in behalf of the inhabitants of the county of Lincoln, praying that they may be exempted from paying the taxes required of them for their proportion of the three years men for the army, and for their deficiencies in procuring beef, and hath not seen fit to grant the prayer of the said petition: And whereas it would

involve the said inhabitants in great distress, should they be compelled instantly to pay the said taxes: Therefore

Resolved, That the Treasurer of this Commonwealth be, and hereby is, directed not to issue his executions against the towns of *Pownalborough, Topsham, Bath, Georgetown, Woolwich, Winslow, Bowdoinham* and *Winthrop*, all in the county of *Lincoln* aforesaid, for their deficiencies in procuring men and beef, until the end of the next sitting of the General Court; any resolve to the contrary notwithstanding.

March 18, 1785.

Chapter 185.

RESOLVE ON THE PETITION OF *JAMES LOVELL, ESQ*; DIRECTING THE TREASURER TO RENEW CERTAIN NOTES, AMOUNTING TO *FOUR HUNDRED SIXTY-TWO POUNDS, FOUR SHILLINGS AND SEVEN PENCE*; AND TO REQUIRE SUFFICIENT BONDS PREVIOUS TO HIS RENEWING THE SAME.

Chap.185

On the petition of James Lovell, Esq; and William Scott, representing, that on the night of the twenty-third of November last, the dwelling house of the said Lovell was burglariously broken open, and a number of consolidated notes stolen therefrom, the property of the said Lovell and Scott; — that the perpetrators of the said theft have been convicted thereof before the Supreme Judicial Court, and praying that the same may be renewed; and it appearing that the said notes have been destroyed: Therefore

Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to renew the following notes to the said *Lovell* and *Scott*, viz —

No.	Date.	Time payable.	In whose favor.	Amount.
2320	1st Jan. 1782,	1st Jan. 1784,	John Scott, . . .	£ 15 12 3
2322	Ditto, . . .	Ditto, 1786,	Ditto, . . .	15 12 3
2773	Ditto, . . .	Ditto, 1784,	Joseph Chamberlain,	19 4 11
3062	Ditto, . . .	Ditto, 1785,	Ditto, . . .	19 4 11
2883	Ditto, . . .	Ditto, 1786,	Ditto, . . .	19 4 11
2795	Ditto, . . .	Ditto, 1784,	Thomas Lawrence, .	10 0 5
3081	Ditto, . . .	Ditto, 1786,	William Clarke, . .	17 2 5
11571	1st Feb. 1783,	. . . . .	James Horsely, . .	50 0 0
11572	Ditto, . . .	. . . . .	Ditto, . . .	50 0 0
11573	Ditto, . . .	. . . . .	Ditto, . . .	50 0 0
9311	1st Jan. 1783,	. . . . .	James Lovell, . . .	192 11 6
20529	1st April 1784,	. . . . .	Ditto, . . .	3 11 0
				£462 4 7

Amounting in the whole to *Four hundred sixty-two pounds, four shillings and seven pence*. And the Treasurer is further directed to require a good and sufficient bond or bonds of the said *Lovell and Scott*, previous to his renewing the said notes as aforesaid, to indemnify the Commonwealth against any demands that may arise from any person or persons, by virtue of the notes destroyed as aforesaid.

March 18, 1785.

Chapter 186.

Chap.186 RESOLVE INDEMNIFYING ANY GENTLEMAN WHO SHALL BECOME BOUND FOR ONE OF THE TREASURERS OF THE UNITED STATES, BELONGING TO THIS COMMONWEALTH, APPOINTED *JANUARY 25TH* LAST.

Resolved, That in case any sufficient persons, in the opinion of the United States in Congress assembled, shall become sureties for the gentleman, a citizen of this Commonwealth, who, on the 25th of *January* last, was elected one of the Commissioners to constitute a Board of Treasury of the United States, in the sum, and for the purposes mentioned in the resolution of Congress, of *February 3, 1785*, this Commonwealth will fully indemnify and save harmless the persons who shall become so bound, from any cost and expence on account of their giving bonds as aforesaid.

March 18, 1785.

Chapter 187.

Chap.187 RESOLVE ON THE PETITION OF *MARY EATON* AND *CHARLES EATON*, OF *READING*, EMPOWERING THE JUDGE OF PROBATE TO MAKE AN ALTERATION IN THE ESTATE MENTIONED.

On the petition of Mary Eaton and Charles Eaton, of Reading, in the county of Middlesex, praying that the Judge of Probate for the said county may be empowered to make an alteration in the settlement of the estate of Joshua Eaton, late of the said Reading, deceased:

Resolved, That the Judge of Probate for the said county, be, and he is, hereby empowered to make such alteration in the settlement of the estate of the said *Joshua Eaton*, as to him shall appear most to the advantage of the heirs to the said estate; observing the rules by law in such cases made and provided; his having passed his decree thereon notwithstanding.

March 18, 1785.

Chapter 188.

RESOLVE ON THE PETITION OF *ENOCH HAMMOND* AND OTHERS, *Chap.188*
 AGENTS FOR THE TOWN OF *ROCHESTER*, DIRECTING THE
 TREASURER TO RECEIVE THE BALANCE DUE FROM SAID
 TOWN FOR BEEF, IN TWO REQUISITIONS OF THE GENERAL
 COURT, IN THE MONEY OF THE NEW AND OLD EMISSION.

On the petition of Enoch Hammond and others, agents for the town of Rochester, praying that the Treasurer of the said town of Rochester may be allowed to pay into the Treasury of this Commonwealth, a certain sum of the new emission and old Continental money, the same being the balance due from the said town of Rochester, upon two requisitions of the General Court, for beef, for reasons set forth in their petition :

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to receive of the Town Treasurer of the said town of *Rochester*, in the county of *Plymouth*, the balance due from the said town for beef, in the two requisitions of the General Court, in money of the new emission and old Continental money, at the same rate that the like monies were received for beef in *June*, 1781.
March 18, 1785.

Chapter 189.

RESOLVE AUTHORIZING THE GOVERNOR AND COUNCIL TO DRAW *Chap.189*
 WARRANTS IN FAVOUR OF THE DELEGATES REPRESENTING
 THIS STATE IN CONGRESS, WHO SHALL APPLY FOR THE
 SAME, NOT EXCEEDING TWO HUNDRED POUNDS.

Resolved, That until the next sitting of the General Court, the Governor of this Commonwealth, be, and he is, hereby authorized and empowered, with the advice of Council, to grant a warrant on the treasury of this Commonwealth, in favour of any of the Delegates who are appointed to represent this State in Congress, (who may apply therefor) for a sum not exceeding *Two hundred pounds* to each of them; they to be accountable for the sums they shall respectively receive. *March 18, 1785.*

Chapter 190.

RESOLVE DIRECTING THE SECRETARY TO PUBLISH THE *Chap.190*
 MILITIA LAW, AND DELIVER SEVEN HUNDRED COPIES TO
 THE ADJUTANT GENERAL.

Resolved, That the Secretary be, and he hereby is, directed to procure seven hundred printed copies of the

Militia Law, passed this session, and deliver them to the Adjutant General, in order that the several militia officers in the Commonwealth may be furnished therewith.

March 18, 1785.

Chapter 191.

Chap.191 RESOLVE ON THE PETITION OF BENJAMIN PIERPONT, EMPOWERING HIM TO PROCEED IN THE SETTLEMENT OF THE ESTATE MENTIONED.

On the petition of Benjamin Pierpont, representing, that he and his brother, William Pierpont, were appointed executors to the will of their brother, Mr. Ebenezer Pierpont, late of Roxbury, deceased, by the said deceased's last will and testament: That soon after their entering on the business of their said appointment, his said brother William died also: and praying to be empowered to proceed in the settlement of the said estate: And it appearing to this Court to be the desire of all the lawful heirs of the said Ebenezer Pierpont, that the said Benjamin Pierpont should proceed in the settlement of the said estate, agreeable to the last will and testament of the said testator: Therefore,

Resolved, That the said *Benjamin Pierpont*, he, and he is, hereby empowered to proceed in the settlement of the estate of the said *Ebenezer Pierpont*, in the same manner the said executors were authorized to do by the last will and testament of the said *Ebenezer Pierpont*; the said *William Pierpont* being deceased notwithstanding.

March 18, 1785.

Chapter 192.

Chap.192 RESOLVE ON THE PETITION OF THE TOWN OF PAXTON, ABATING A FINE LAID ON SAID TOWN, AND DIRECTING THE TREASURER TO CREDIT THE SAME.

On the petition of the town of Paxton, praying for abatement of the fines laid on them for not sending two men into the army for three years:

Resolved, That the town of *Paxton* be abated the fine for one man, being *One hundred and twenty-eight pounds, nine shillings and six pence*: And the Treasurer is hereby directed to credit the said town of *Paxton* for the above sum in the State Tax for 1783.

March 18, 1785.

ACTS and LAWS
OF THE
COMMONWEALTH
OF
MASSACHUSETTS,
PASSED BY THE
GENERAL COURT, A. D. 1785.

BOSTON :
PRINTED BY ADAMS AND NOURSE,
Printers to the Honorable the GENERAL COURT.

M,DCC,LXXXV.

Reprinted by WRIGHT & POTTER PRINTING COMPANY, State Printers.

ACTS AND LAWS,

PASSED BY THE GENERAL COURT OF MASSACHUSETTS:
BEGUN AND HELD AT BOSTON, IN THE COUNTY OF
SUFFOLK, ON WEDNESDAY THE TWENTY-FIFTH DAY
OF MAY, ANNO DOMINI, 1785.

1785. — Chapter 1.

[May Session, ch. 1.]

AN ACT FOR PREVENTING COMMON NUISANCES.

Chap. 1

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen of Boston, Salem, Newbury port and Charlestown, respectively, and of every other town in this Commonwealth where the Selectmen thereof, together with any two Justices of the Peace in the same county, shall judge such regulation to be necessary, shall from time to time, as occasion shall be, assign some certain places for the exercising of any of the trades or employments of killing creatures for meat, distilling of spirits, trying of tallow or oil, currying of leather, and making earthen ware, and forbid and restrain the exercise of either of them in other places not so approved and allowed; and all assignments of such houses or places by Selectmen, with the assent of two or more Justices, for the exercise of any of the occupations aforesaid, shall be entered in the town book where such Selectmen respectively belong; and also made known by having notifications thereof posted up in some public places in the same town.

And be it further enacted, That when any house assigned for the exercising of either of the aforesaid trades or employments becomes a nuisance by reason of offensive and ill stench proceeding from the same, or becomes otherways hurtful or dangerous to the neighbourhood or travellers, it shall and may be lawful to and for the Court of General Sessions of the Peace, within the county, to cause enquiry to be made therein by a jury, and to suppress such nuisance by prohibiting and restraining the

Selectmen, with two Justices, to assign places for killing creatures for meat, distilling spirits, &c.

When any house assigned becomes a nuisance, Court of Sessions to cause enquiry to be made therein, and to suppress such nuisance.

further use thereof for the exercise of either of the aforesaid trades or employments, under a fine not exceeding *Three pounds* a month, to the use of the poor of the town; or by causing such nuisance to be removed or prevented, as the said Justices in Sessions, in their discretion, shall think expedient and necessary.

Penalty for making use of houses, &c. other than such as are or may be assigned.

And be it further enacted, That if any distiller, tallow chandler, manufacturer of oil, currier, butcher or potter, shall make use of any house or place, other than such as are or may be assigned and permitted in consequence of this act, for the exercise of the employments aforesaid, or any of them, the person so offending shall forfeit and pay a fine of *Five pounds*, one half thereof for the use of this Commonwealth, and the other half part for the use of him or them that shall prosecute and sue therefor, by action of debt, in the Court of Common Pleas; and if convicted on the presentment of a grand jury in the Court of Sessions or Supreme Judicial Court, the whole penalty shall enure to the use of the Commonwealth; and in either case the offender shall also enter into recognizance in such sum as the same Court shall order, not to improve such building for either of the said purposes for the term of three years then next; and in default of entering into such recognizance, to be committed to the common goal; or such building may be taken down by the order of the same Court, as being a common nuisance, and the materials, or such part of them as may be necessary, sold at public auction, to defray the expence and charges; and in case the materials shall be insufficient, the residue of the charges to be levied by distress and sale of the offenders goods and chattels.

Fences, &c. set up on public landing places, without permission, esteemed nuisances.

And be it further enacted by the authority aforesaid, That all fences or buildings set up and erected on lands now used and improved as public landing places, or such as may be hereafter laid out and appropriated to that use, without lawful permission therefor, shall be esteemed nuisances, and may be abated as such. *June 7, 1785.*

1785. — Chapter 2.

[May Session, ch. 2.]

Chap. 2

Preamble.

AN ACT AGAINST HAWKERS, PEDLARS AND PETTY CHAPMEN.

Whereas inconveniencies arise to trade, by hawkers, pedlars and petty chapmen, passing to, from and through the country, to vend goods, wares and merchandize:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That every hawker, pedlar, petty chapman, or other person going from town to town on foot, or with a horse or horses or otherwise, carrying to sell, or exposing to sale, any wares, goods or merchandize, within this Commonwealth, shall forfeit a sum not exceeding *Four pounds*, nor less than *twenty shillings*, also one quarter part of all such goods, wares or merchandize by him or them exposed to sale, or so conveyed or transported as aforesaid, to him or them that shall prosecute therefor, by information or complaint before the Court of General Sessions of the Peace in the same county.

Hawkers, pedlars, &c. going from town to town, to sell goods.

Forfeiture.

Provided nevertheless, That nothing herein shall prohibit or hinder any person, who is the real worker or maker of any goods or wares, or his servants or agents, from carrying abroad, exposing to sale, or selling any of the said goods or wares of his own making, or other articles manufactured within this Commonwealth, in any fair, market or elsewhere, or from selling any fish, fruits or provisions; or any tinker, cooper, glazier, or mender, or other person, from going about and carrying with him proper materials for mending the things usually made or mended in the exercise of his trade. And any Justice of the Peace, upon complaint to him made of any such offence, may arrest or summon before him the person or persons complained against, and order him or them to recognize, with sufficient surety or sureties, to appear and answer the complaint or information that may be exhibited against him or them, before the next Court of Sessions of the Peace in the county where the offence is said to be committed; and for want of sufficient surety, to commit such offender or offenders to the common goal of the county; and also to secure and detain all such goods, wares and merchandize until the trial. *Provided,* The complainant will enter into recognizance with surety before the same Justice, to the supposed offender, in a sufficient sum, to pay cost, in case the complainant shall fail of prosecuting or convicting the offender; and the Court of General Sessions of the Peace may assess costs upon the trial for or against the complainant, as the case may require; and all taverners, ale house keepers, common victuallers or retailers, that shall knowingly entertain any hawker, pedlar or petty chapman, or other trading person afore-

Proviso.

Justices of the Peace to summon persons complained against, and order them to recognize.

Proviso.

Penalty for entertaining hawkers, &c.

said, for the space of twelve hours, shall forfeit and pay the sum of *Twenty shillings*, for every six hours after the first twelve (unless the departure of such hawker, pedlar or petty chapman shall be prevented by means of sickness, or any other unavoidable necessity) to him or them who will prosecute and sue therefor by action of debt.

June 9, 1785.

1785. — Chapter 3.

[May Session, ch. 3.]

Chap. 3

AN ACT TO PREVENT DAMAGE BEING DONE BY NEAT CATTLE AND HORSES ON *POCHA BEACH*, IN THE TOWN OF *EASTHAM* AND MEADOW THEREUNTO ADJOINING.

Preamble.

Whereas it appears to this Court by the representation of the proprietors in the south part of the town of Eastham, that the turning out of cattle and horses on the beach called Pocha Beach, and on the meadow thereunto adjoining, lying in the south part of the town of Eastham, doth greatly endanger the loss of the said meadow: To prevent which,

Persons turning
out cattle, &c. at
large.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That after the passing of this act, if any person or persons shall turn out any of his or their cattle or horses to go at large, on any part of the aforesaid beach or meadow, at any time between the first day of April and the last day of November, yearly, he or they shall forfeit and pay for each offence, Ten shillings a head for every neat beast or horse kind of one year old, or upward, that shall be found going at large on the aforesaid beach and meadow, within the limits of the said propriety; which penalty shall be recovered by such person or persons as shall be appointed by said proprietors, to sue for and recover the same in any Court proper to try such cause.

Penalty.

Cattle, &c. found
at large, to be
impounded.

And be it further enacted, That if any neat cattle or horse kind shall, at any time after the passing of this act, be found at large on the aforesaid beach or meadow, it shall and may be lawful for such person as the said proprietors shall appoint, forthwith to impound all such cattle or horses (found as aforesaid) in the town's pound, in Eastham; whereupon he shall immediately give notice thereof to the owner or owners, if known, otherwise shall

give public notice thereof in writing, by posting up the said notice of impounding such creatures, in *Eastham*, *Harwich* and *Chatham*, in some public place, in each of the said towns; and the impounder shall relieve the said creatures with suitable meat and water while impounded; and if the owner or owners thereof appear to redeem his, her or their impounded creature or creatures, he or she shall pay *Two shillings* to the impounder for each neat beast or horse kind; and to the pound keeper, reasonable cost for relieving such creatures, besides the fees established by law for each neat beast or horse kind so impounded; and the further sum of *Ten shillings* such owner shall pay into the hands of the clerk of said propriety within four days after such redemption, being the penalty before prescribed in this act, or be subject to the suit of such person as shall be appointed as before provided, to sue for and recover the same by action of debt before any Justice of the Peace in the county of *Barnstable*. And if no owner appear within the space of five days to redeem such cattle or horse kind so impounded, and to pay the cost occasioned by impounding the same, then, and in every such case, the person impounding such creature or creatures shall cause the same to be sold at public vendue, and pay the cost and charges thereby arising; public notice of the time of such sale to be given in said town of *Eastham*, and in the towns of *Harwich* and *Chatham*, forty-eight hours at least beforehand; and the overplus, if any there be, arising by such sale, to be returned to the owner or owners of such creature or creatures so sold, at any time within twelve months next after, or upon his demanding the same; but if no owner appear within said twelve months, then the said overplus shall be one half to the party impounding any such cattle or horse kind, and the other half to the use of the poor in the town of *Eastham*.

And be it further enacted, That the proprietors aforesaid, at a meeting legally warned for that purpose, shall choose one or more meet person or persons belonging to their propriety, whose duty it shall be to see to the due observance of this act, and who shall be sworn to the faithful discharge of their office; and in case any person so chosen shall refuse to be sworn, he shall forfeit and pay *Forty shillings*, for the use of the poor in said town of *Eastham*; and upon such refusal, the said proprietors

No owner appearing within five days, the person impounding such creatures shall cause the same to be sold.

Overplus arising by such sale, how applied.

Proprietors to choose meet persons to see to the observance of this act.

shall from time to time proceed to a new choice of such officer or officers, until one or more person or persons will serve therein.

June 14, 1785.

1785. — Chapter 4.

[October Session, ch. 1.]

Chap. 4 AN ACT FOR ANNEXING A GORE OF LAND LYING BETWEEN THE TOWNS OF WORCESTER AND SUTTON, TO THE TOWN OF WORCESTER.

Boundaries.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Gore of land lying in the county of Worcester, and between the towns of Worcester and Sutton, bounded as follows, *viz.*: Beginning at the southeasterly corner of the town of Worcester, from thence running southerly on a right line until it comes to the northeast corner of the farm which formerly belonged to *Isaac Morse*; thence running south five degrees west, eighty-seven perch, on the easterly side of said farm, to a stake and stones on *Sutton* line; from thence running westerly on said line, to a white oak tree, being the southwest corner of *John Goddard's* land; thence running northerly on *Ward* town line until it comes to *Worcester* line; thence easterly on said *Worcester* line, to the first mentioned bound; together with all the inhabitants residing on said Gore of land, be, and hereby are, annexed to the town of *Worcester*, there to do duty and receive privileges equal to the other inhabitants of said town.

June 14, 1785.

1785. — Chapter 5.

[May Session, ch. 4.]

Chap. 5 AN ACT FOR GRANTING A LOTTERY FOR THE REPAIRING OF LEICESTER ACADEMY, AND MAKING ADDITIONAL BUILDINGS THERETO.

Preamble.

Whereas it appears that great benefit may accrue to this Commonwealth if Leicester Academy should be repaired, and additional buildings be made; and the Trustees have represented their present inability to accomplish the same without the aid of the Legislature, and requested that a Lottery may be granted for those purposes:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That a sum not exceeding Six hundred pounds be raised by a Lottery for the purpose of repairing said Academy and making the additional buildings; and that *Joseph Allen, Esq; of Worcester, and Messieurs Thomas Newell and Thomas Denny, of Leicester, or any two of them,* shall be managers of the said Lottery, who shall be sworn to the faithful performance of their trust; and shall, as soon as may be, publish a scheme of said Lottery in such public news papers as they may think most proper, and they shall also publish therewith all necessary rules and regulations for the management thereof; and all prizes which may be drawn in the said Lottery shall be paid without any deduction, provided they are demanded within six months after the drawing of the said Lottery, otherwise the money arising from such prizes shall be appropriated to the purpose aforesaid.

Sum to be raised.

Managers appointed.

To be sworn.

And be it further enacted, That if any person shall forge, counterfeit or alter any lottery ticket issued by virtue of this act, or shall pass or utter any such forged, counterfeited or altered ticket, knowing the same to be false, forged, counterfeited or altered, or shall counsel, advise or assist in forging, altering or counterfeiting the same, every person so offending, and being thereof convicted before the Supreme Judicial Court of this Commonwealth, shall be punished by being set on the gallows for the space of one hour, with a rope round his neck, or shall pay a fine not exceeding One hundred pounds, to the use of this Commonwealth, or suffer not more than twelve nor less than two months imprisonment, or be publicly whipped, not exceeding thirty-nine stripes, at the discretion of the said Supreme Judicial Court, according to the nature and circumstances of the offence.

Penalty for forgery.

Provided always, That the said Joseph Allen, Esq; and Messieurs Thomas Newell and Thomas Denny, give security to the Treasurer of this Commonwealth, in the sum of Twelve hundred pounds, that they will pay into the hands of the Treasurer of said Academy, the net proceeds of said Lottery, to be disposed of as the Trustees of said Academy shall order, agreeably to this act.

Managers to give security.

June 14, 1785.

1785. — Chapter 6.

[May Session, ch. 5.]

Chap. 6 AN ACT PROVIDING A SPEEDY METHOD FOR DOING JUSTICE, WHEN, THROUGH MISTAKE, EXECUTIONS ARE LEVIED ON REAL ESTATE NOT BELONGING TO THE DEBTORS.

Preamble.

Whereas it has happened that executions have been or may be extended and levied on real estate for the purpose of satisfying judgments of Courts, and after the levying such executions, it may appear that the real estate levied upon did not at the time of extending and levying such execution belong to the debtor, and thereby the creditor may be deprived of his just debt, or be at great expence in recovering it: Therefore,

When, through mistake executions are levied on real estate not belonging to the debtors, Justices may order a writ of Scire Facias against such debtors.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in such cases, upon the application of the creditor to the Justices of the Court from whence such execution issued, such Justices may order a writ of Scire Facias to issue against such debtor, requiring him to appear before said Court, and shew cause, if any he has, why an alias execution should not issue against him for debt and costs; and if such debtor, being duly summoned, shall neglect to appear in obedience to such writ, or appearing, shall not shew sufficient cause why an alias execution should not issue against him, the Court shall thereupon order an alias execution against such debtor for debt and costs; and the doings by virtue of the former execution shall be considered as void and of no effect in law; but if it shall appear to the said Court that the creditor had no just cause for such application, the debtor shall recover against the creditor double costs, and the Court shall award execution accordingly.

Proviso.

Provided nevertheless, That no application by any creditor shall be sustained after the expiration of two years from the time of extending and levying execution as aforesaid.

June 14, 1785.

1785. — Chapter 7.

[May Session, ch. 6.]

Chap. 7 AN ACT FOR INCORPORATING A CERTAIN TRACT OF LAND LYING IN THE COUNTY OF HAMPSHIRE, BEING PART OF THE TOWNS OF NORTHAMPTON AND SOUTHAMPTON, INTO A DISTRICT, BY THE NAME OF EASTHAMPTON.

Preamble.

Whereas a number of the inhabitants of a tract of land being part of the towns of Northampton and Southampton,

in the county of Hampshire, have petitioned this Court to be incorporated into a separate district, for reasons set forth in their petition; and it appearing to this Court that it is expedient that the said tract of land, with the inhabitants thereon, (except as is hereinafter excepted) be incorporated:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands taken from Northampton, described as follows, viz.: Beginning in Northampton, on Connecticut River, at the dividing line between the lots of Abner Barnard and Jonathan Janes, in that part of the common field called Hog's Bladder; from thence running in the course of the dividing line aforesaid across Danks's Pond; from thence on by the said pond to the dividing line between Joel Hannum and James Hurlbert's land; from thence on the same line to the highway; from thence on the same highway to the south side of the lot, in the little division originally laid out to John King, and upon the same line to the dividing line between the Lovefield and Hatefield tier, in the said division; from thence on the north side of the original lot in the Hatefield tier, laid out to Captain Clap, to the Westfield road; from thence to the north side of the lot in the long division, laid out to Nathaniel Phelps, and upon the same line to Westhampton, and in the dividing line between Northampton and Westhampton to Southampton line; and on the line between Northampton and Southampton to Springfield line; and on the dividing line between Northampton and Springfield, to the line between the east and west tier of lots in the mountain division in Northampton; and from thence on the dividing line between the said tiers, to the northerly side of Elisha James's land, near the barn of Asahel Parsons; from thence on land of the said Asahel to the south side of Joel Parsons's lot; from thence to Connecticut River, and up the said river to the first described station. — And that the lands taken from Southampton described in the following manner — Beginning on the dividing line between Northampton and Southampton, at the west branch of Munhan River, between the lands of John Hannum and Elijah Pomeroy; thence running down the said river to the turn thereof, a little above the bridge; thence crossing the said river to a road; then by the

Boundaries of
lands taken
from North-
ampton.

Lands taken
from South-
ampton.

same road to the south side of *Enos Pomeroy's* land; then between the said land and the land of the heirs of *Joshua Pomeroy*, to the south branch of *Munhan River*; then up said river to another piece of land of said *Joshua Pomeroy's* heirs; then by the southwesterly line of the land of *Benjamin Clap*, between said *Clap's* land, and land by him sold to *William Baldwin*, to the highway; then by the said highway to the southwesterly side of the land of said *Clap*, at *Wilton's meadow*; then by the southwesterly side of said land to the land of *Aaron Clap*; and then by said *Aaron Clap's* southwesterly line to *Westfield road*, (excepting that *Elijah Pomeroy*, *Caleb Pomeroy*, *Moses Bartlett* and *Preserved Bartlett's* heirs, with their lands, are to remain to *Southampton*; and the lands within the tract aforesaid belonging to *Elias Lyman*, *Elias Lyman, jun.*, *Joel Lyman*, *Jonathan Lyman*, *Samuel Judd*, *Simeon Judd*, *John Alvord, jun.* *Daniel Masters*, *Josiah Wait*, *Abijah Wait*, *Asahel Parsons*, *Jonathan Parsons* and *Ephraim Parsons*, are to remain to *Northampton*) together with the inhabitants thereon, be, and they are hereby incorporated into a district, by the name of *Easthampton*, and invested with all the powers, privileges and immunities, that districts in this Commonwealth are entitled to, or do or may enjoy, according to law.

Easthampton
incorporated.

Robert Breck,
Esq. to call a
meeting.

And be it further enacted by the authority aforesaid, That *Robert Breck, Esq*; be, and he is, hereby empowered to issue his warrant directed to some principal inhabitant within the said district of *Easthampton*, directing him to warn the inhabitants of said district qualified to vote in town affairs, to assemble at some convenient time and place in the same district, to choose all such town or district officers as by law are to be chosen annually in the month of *March*.

Provido.

Provided nevertheless, The inhabitants of the said district of *Easthampton*, which were before the passing this act inhabitants of any other town or place, shall pay their proportionable part of all such town, county and state taxes, as are already assessed or levied on them by the towns where they usually were taxed.

Inhabitants to
join with North-
ampton in the
choice of a rep-
resentative.

And be it further enacted by the authority aforesaid, That the inhabitants of the said district shall have liberty, from time to time, to join with the town of *Northampton* in the choice of a Representative; and they shall accordingly be notified of the time and place of election in like

manner with the inhabitants of said town of *Northampton*, by a warrant from the Selectmen of said town, directed to a Constable or Constables of said district, requiring him or them to warn the inhabitants to attend the meeting at the time and place assigned, which shall be seasonably returned by said Constable or Constables; and the Representative or Representatives may be chosen indifferently from said town and district; the pay or allowance to be borne by the town or district, in proportion as they shall pay from time to time to the State Tax.

Provided likewise, That said district give up all their right in any of the town lands, monies and obligations to which the inhabitants of said district were entitled, within the towns of *Northampton* and *Southampton*. Proviso.

And be it further enacted by the authority aforesaid, That all right of entry and right of action in, to, or for, the recovery of any lands or real estate within the limits of the said district, which before and until the passing of this act the towns of *Northampton* and *Southampton* were vested with, shall accrue and enure by this act unto the inhabitants of the said district; and they, the said inhabitants of said district, shall, to all intents and purposes, be vested with the said right of entry and right of action forever. Inhabitants vested with right of entry, &c. in certain lands.

June 17, 1785.

1785. — Chapter 8.

[May Session, ch. 7.]

AN ACT FOR THE REGULATION OF NAVIGATION AND COMMERCE. Chap. 8

Whereas it is become expedient and necessary for this Commonwealth to make some commercial regulations for the encouragement of their own trade: Therefore, Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of *August* next, and during the continuance of this act, there shall not be exported from any port, harbour, creek, bay or inlet, river or shore, or any other place within this Commonwealth, any goods, wares or merchandize, the growth, manufacture or produce of this or any of the United States, in any ship, vessel or craft of any kind, belonging (either in whole or in part) to, or being the property of, any of the subjects of the King of *Great Britain*. Exportation of goods, &c. in British vessels, prohibited.

Proviso.

Provided nevertheless, and whereas proclamations and orders have been issued by the Governors of several parts of the British dominions, for prohibiting vessels belonging to any of the United States from entering their ports or trafficking there :

Be it further enacted, That in case the said proclamations and orders shall be reversed, and an open trade allowed to such vessels, and the Governor of this Commonwealth being certified thereof, shall by advice of Council publickly signify the same by his proclamation, then shall the foregoing clause of this act be discontinued, and shall cease to operate during the time such open trade shall be allowed.

Vessels having goods on board, contrary to this act, to be forfeited.

And be it further enacted by the authority aforesaid, That from and after the said first day of *August* next, if any ship, vessel or craft of any kind, as aforesaid, be found in any port, harbour or creek, or any other place within this Commonwealth, taking on board, or having taken on board while in this Commonwealth, any of the articles aforesaid, contrary to the true intent and meaning of this act, every such ship, vessel or craft, together with their lading, shall be forfeited, and shall and may be seized by any Naval Officer, Collector of Excise or his Deputy, or by any other citizen or citizens of the United States, and the same may be sued for, prosecuted and recovered in any Court of Record within this Commonwealth, proper to try the same ; and after deducting the charges of prosecuting the same, from the gross produce thereof, the remainder shall be given, one moiety to the person or persons who shall have made the seizure and prosecuted the same, and the other moiety shall be paid into the treasury of this Commonwealth, for the use of the same.

No goods to be taken or landed from any vessel not belonging to the United States, in any port, &c. except —

And be it further enacted, That from and after the first day of *August* next, there shall not be taken out or landed from on board any ship, vessel or craft, not wholly belonging to, or the property of, the citizens of the United States, any goods, wares or merchandize, in any port, harbour or creek, or any other place within this Commonwealth, except the ports of *Boston*, *Falmouth* in *Casco Bay* and *Dartmouth* ; and if any ship, vessel or craft, not wholly owned as aforesaid, shall be found in any port, harbour or creek, or any other place within this Commonwealth, except the ports of *Boston*, *Falmouth* in

Casco Bay and *Dartmouth*, as aforesaid, discharging her lading, or any part thereof, or having discharged her loading, or any part thereof, otherwise than abovementioned, the said ship, vessel or craft, together with her lading, shall be seized and forfeited, to be recovered and appropriated as aforesaid.

And be it further enacted, That from and after the said first day of *August* next, there shall be paid by the master, owner or consignee, of every ship, vessel or craft, owned either in part or in whole by any foreigner, at the time of entering the said ship, vessel or craft, into the hands of the Naval Officer of the ports of *Boston*, *Falmouth* and *Dartmouth*, aforesaid, for the use and benefit of this Commonwealth, a duty of *Five shillings* per ton, for each and every ton said vessel may measure by carpenters' measurement, and a further duty of *Two shillings and eight pence* per ton, as light money, in addition to what by law they are now subject to pay, for the use and service of the light houses, and shall likewise pay unto the Collector of Impost and Excise, for the counties of *Suffolk*, *Cumberland* and *Bristol*, double the duty on the goods imported in said vessel, as is or may be paid at that time upon the like goods imported in a vessel belonging wholly to the citizens of the United States; and a further duty of *Six pence* shall be paid upon every bushel of salt imported in any ship, vessel or craft, owned either in whole or in part, by any of the subjects of the King of *Great Britain*, and previous to their breaking bulk they shall give bond to the said Collector for the payment of the same.

Provided nevertheless, That the said duty of *Six pence* per bushel on salt, shall not be paid in case an open trade shall be permitted in the *British* dominions, and during the continuance of such open trade; such permission to be signified by the Governor's proclamation, as aforesaid.

And whereas some persons for the sake of enjoying more extensive privileges in commerce, have had double setts of papers for their vessels, in order that they might appear the property of one nation or another, as might best answer their purposes; for the prevention of which impositions:

Be it enacted, That from and after the first day of *August* next, any vessel which may appear to have two setts of papers, by the one of which she may appear to be the property of the citizens of the United States, and by the other the property of foreigners; or if it shall be

Duty upon vessels owned by foreigners.

Double duty to be paid upon goods imported in such vessels.

Further duty of six pence per bushel upon salt imported in British vessels.

Proviso.

Vessels having double setts of papers on board, &c. to be forfeited.

made to appear, that any vessel that has cleared at any naval office in this Commonwealth, as the property of the citizens of these States, shall afterwards enter and discharge her cargo taken in and cleared as aforesaid, in any foreign port, as the property of a foreigner; said vessel upon her return into this Commonwealth shall be forfeited, and may be seized by the Naval Officer of the port where she may be found, or by any other person or persons, who may prosecute for the same, to be recovered, and the money arising from such forfeiture, to be applied as aforesaid, and the master of such vessel so offending, shall forfeit and pay for the use of this Commonwealth, a sum of *One hundred pounds*, to be recovered as aforesaid.

Forfeitures,
how applied.

Naval Officers,
previous to ad-
mitting an en-
try, to adminis-
ter an oath, and
certify the
same.

And be it further enacted, That each Naval Officer in this Commonwealth, previous to his admitting any vessel to an entry, shall administer the following oath or affirmation, to the master, or one of the principal owners thereof, (provided said vessel shall appear to be the property of the citizens of these States) and certify it on the back of the register (if not done before) in the following words :

PORT of 178 .

Form of the
certificate.

Then personally appeared before me one of the principal owners (or the commander, as the case may be) of the and made solemn oath (or affirmation) that the said is the sole property of the citizens of the United States, and that no foreigner, directly or indirectly, hath any part or share therein.

Naval Officer.

Naval Officers,
Collectors of
Impost and Ex-
cise, or their
deputies, neg-
lecting their
duty.

Penalty.

And be it further enacted by the authority aforesaid, That if any Naval Officer or his Deputy shall presume to enter or clear any vessel, contrary to the true intent and meaning of this act, or if any Naval Officer, Collector of Impost and Excise, or their Deputies, shall neglect any of the duties required of them by this act, he or they, so offending or neglecting their respective duties, shall forfeit and pay the sum of *Three hundred pounds*, one moiety thereof for the use of this Commonwealth, and the other moiety thereof for the use of the person or persons who may prosecute for the same, to be sued for and recovered in any Court of Record in this Commonwealth proper to try the same; and in addition thereto, shall be rendered incapable of any further exercise of his or their respective offices.

Provided nevertheless, That nothing in this act shall be construed to prevent any ship or vessel built in this Commonwealth, and owned either in whole or in part by any of the subjects of the King of *Great Britain*, from taking a cargo upon her first departure from this Commonwealth, upon the same terms and no further restrictions than if said vessel was owned by the citizens of these States. Proviso.

And be it further enacted, That this act shall continue in force until the United States, in Congress assembled, shall be vested with competent power for the purpose, and shall have passed an ordinance for the regulation of the commerce of these States, and the period may arrive when the said ordinance is to take effect, and no longer. Time this act shall continue in force.

June 23, 1785.

1785. — Chapter 9.

[May Session, ch. 8.]

AN ACT FOR ERECTING THE WESTERLY PART OF THE TOWN OF WESTMINSTER, THE SOUTHWESTERLY PART OF ASHBURNHAM, THE SOUTHEASTERLY PART OF WINCHENDON, AND THE EASTERLY PART OF TEMPLETON, IN THE COUNTY OF WORCESTER, INTO A TOWN BY THE NAME OF GARDNER. Chap. 9

Whereas the inhabitants of the westerly part of the town of Westminster, the southwesterly part of the town of Ashburnham, southeasterly part of the town of Winchendon, and the easterly part of the town of Templeton, in the county of Worcester, have represented to this Court the difficulties they labour under in their present situation, and request that they may be incorporated into a separate town, and it appearing to this Court proper to comply with their said request: Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the westerly part of the town of *Westminster*, southwesterly part of the town of *Ashburnham*, southeasterly part of the town of *Winchendon*, and the easterly part of the town of *Templeton*, in the county of *Worcester*, bounded as follows, *viz.* — Beginning at the west corner of the town of *Westminster*, running south easterly on the town line on *Templeton* and *Hubbardston*, to the southeasterly corner of lot Number thirty-two, third division; thence running northeasterly, straight to the southeasterly corner of lot Number ninety-one, second division; from thence, upon the line between lots Number ninety- Boundaries.

one and ninety-two, to *Ashburnham* town line; thence running southwesterly on *Ashburnham* line to the northeast corner of lot Number fifty-five, second division, in *Ashburnham*; thence by the northeasterly line of said lot to the north corner of the same; from thence strait to the northeast corner of lot Number forty-five, second division; from thence on the north line of the same, to the northwest corner on *Winchendon* line; from thence northeasterly on said line, to the northeast corner of lot Number fifteen, second division, on *Ashburnham* line; from thence southwesterly on a straight line, to the northwesterly corner of lot Number one hundred and sixty, on *Templeton* line; from thence southeasterly on said line, to the southeast corner of lot Number eighty-four, second division; from thence on the southerly line of said lot, to *Otter River*, so called; from thence up said river, to *Westminster* town line; from thence on said line, to the first mentioned corner; be, and they hereby are, erected into a town by the name of *Gardner*; and the inhabitants thereof hereby are invested with all the powers, privileges and immunities, which the inhabitants of other towns within this Commonwealth do or may by law enjoy.

Gardner incorporated, and invested with powers.

Owners of lots cut by the lines, held to pay taxes to the town in which their houses now stand.
Provido.

And be it further enacted, That where the lots that are now settled are cut by the above lines, every owner of such lot shall be holden to pay taxes for the whole of such lot, to that town in which his house now stands. *Provided nevertheless*, If any owner of such lot shall return a certificate into the Secretary's office, within six months after the passing of this act, expressing his desire to belong, with his said lot, to the other town, such lot, and the owner thereof, shall forever afterwards be holden to pay taxes to the other town accordingly.

Inhabitants shall pay taxes already granted.

And be it further enacted by the authority aforesaid, That the inhabitants of the said town shall pay their proportion of all taxes already granted, to be raised in the several towns from which they were respectively taken.

Nicholas Dyke, Esq; to call a meeting.

And it is further enacted, That *Nicholas Dyke*, Esq; be, and he hereby is, empowered to issue his warrant directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town to assemble and meet at some suitable time and place in the said town, to choose all such officers as towns by law are required to choose, at their annual town meeting, in the month of *March*.

June 27, 1785.

1785. — Chapter 10.

[May Session, ch. 9.]

AN ACT FOR INCORPORATING CERTAIN LANDS BELONGING TO
A NUMBER OF INHABITANTS OF THE TOWN OF SPRING-
FIELD, LYING ON THE PINE PLAIN, IN SAID TOWN. *Chap. 10*

Whereas application hath been made to this Court, by Preamble.
the petition of Thomas Dwight, for himself and in behalf
of the persons hereafter named, viz. : Moses Bliss, Esq;
Ebenezer Warriner, Timothy Bliss, Joseph Clough, Wil-
liam Pynchon, Esq; Alexander Bliss, Aaron Warriner,
Jacob Cooley, Charles Brewer, Elam Burt, John Ashley,
Luke Bliss, David Ashley, Andrew Colton, Preserved
White, George Pynchon, Edward Stebbins, Solomon
Ferre, and Thomas Bates, representing, that they are the
proprietors of certain parcels of land on the Pine Plains
(so called) in said Springfield, lying contiguous each to
the other, which are now without fence or inclosure, and
on that account subjected to damage and rendered of little
value to them; and praying that said lands (containing
about seven hundred acres) may be erected into one com-
mon and general field, as included, when collectively taken,
within the following description and boundaries, viz. : The
tract of land lying in said Springfield, on the south side of
the highway leading from Springfield to Wilbraham, called
the sixteen acre road, and bounding northerly thereon,
lying also west of the brook called Stone Pit Brook, north
of Mill River meadow, bounding south thereon, and the
fence inclosing the said meadow; lying also east of a town
way, leading from Boston road to the highway which lead-
eth by the house of David Ashley, and bounding west on
said town way; also bounding east on a lot of land owned
by Elisha Ferre, lying a little west of said Stone Pit
Brook : Therefore

Be it enacted by the Senate and House of Representa-
tives in General Court assembled, and by the authority of
the same, That the lands aforesaid, being all the lands
included within the description and boundaries aforesaid,
be, and hereby are, incorporated into one common and
general field; and the proprietors and owners of the said
lands are hereby invested with all the powers and privi-
leges which the proprietors of lands in general fields by
law are invested withal.

Lands described
incorporated
into one general
field.

Proprietors
may be at lib-
erty to inclose
and improve
lands, &c.

And be it further enacted, That each and every of the proprietors aforesaid may be at full liberty at any and all times hereafter, to inclose and improve by themselves, any of their lands lying within the limits aforesaid, as if such act of incorporation had not been made; they maintaining their respective proportions of the general fence around the same.

June 27, 1785.

1785. — Chapter 11.

[May Session, ch. 10.]

Chap. 11 AN ACT TO AUTHORIZE THE UNITED STATES IN CONGRESS ASSEMBLED, TO APPOINT COMMISSIONERS TO COMPLEAT THE RUNNING THE LINE OF JURISDICTION BETWEEN THE COMMONWEALTH OF MASSACHUSETTS AND THE STATE OF NEW YORK, ON THE EASTERLY PART OF THE STATE OF NEW YORK.

Preamble.

Whereas an agreement was made and entered into, on the eighteenth day of May, in the year of our Lord, One thousand seven hundred and seventy-three, between Commissioners appointed by an act of the Legislature of the late Province of Massachusetts Bay, and Commissioners appointed by an act of the Legislature of the late Colony of New York, for the settlement of a partition line of jurisdiction between the said late Province of Massachusetts Bay and the late Colony of New York, on the easterly part of the said Colony of New York: And whereas, since the agreement made as aforesaid, Commissioners and Surveyors have been appointed on the part of the Commonwealth of Massachusetts and the State of New York, respectively, to run and mark the said line pursuant to the said agreement; which Commissioners, although attempts have been made for that purpose, have not been able to compleat the running the said line: And whereas the State of New York, by an act of their Legislature, passed on the seventh day of March, One thousand seven hundred and eighty-five, have on their part authorized the United States in Congress assembled, to appoint three skilful, judicious and disintrested persons, as Commissioners, to run out, survey, mark and ascertain the said line of jurisdiction, according to the true intent and meaning of the agreement above referred to:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That it shall and may be lawful to and for the

United States of *America*, in Congress assembled, and they are hereby fully authorized to appoint three skilful, judicious and disinterested persons, as Commissioners, to run out, survey, mark and ascertain the said line of jurisdiction, between this Commonwealth and the State of *New York*, according to the true intent and meaning of the agreement abovementioned.

United States in Congress assembled, authorized to appoint Commissioners.

And be it further enacted by the authority aforesaid, That the line so to be run, marked and ascertained by the said Commissioners, or any two of them, according to the true intent and meaning of the said agreement, shall be, and forever hereafter remain, a jurisdiction or boundary line, as far as the same shall extend, between this Commonwealth and the easterly part of the State of *New York*.

Line run by the Commissioners to remain a jurisdiction or boundary line.

Provided always, That the Commissioners so to be appointed, shall, before they proceed upon the execution of their trust, be sworn faithfully and impartially to perform the same according to the best of their skill and judgment; and shall, within two years from the seventh day of *March*, One thousand seven hundred and eighty-five, complete the said survey, and make a true and exact return thereof into the Secretary's office of the United States in Congress assembled, to be there filed as a perpetual evidence of the said jurisdiction line.

Proviso, that the Commissioners be sworn, &c.

And be it further enacted by the authority aforesaid, That the Governor, by and with the consent of the Council of this Commonwealth, is hereby authorized to appoint one or more person or persons to furnish the said Commissioners, which shall be appointed by Congress to run and ascertain the line aforesaid, with the necessary documents and papers relative to the said line, and to make his warrant on the Treasurer of this Commonwealth in favour of the person or persons so to be appointed, for the sum of *Three hundred pounds*, to be applied, if necessary, for the payment of one half of the expences attending the survey, and for which they shall be accountable to this Commonwealth.

Governor, with consent of Council, authorized to appoint persons to furnish the Commissioners with the necessary documents and papers.

June 29, 1785.

1785. — Chapter 12.

[May Session, ch. 11.]

AN ACT FOR THE FILING AND RECORDING OF WILLS PROVED WITHOUT THIS GOVERNMENT, AND FOR TAKING AFFIDAVITS IN WRITING FOR THE PROBATE OF WILLS IN CERTAIN CASES.

Chap. 12

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of

Copy of any will proved without this Government, filing and recording thereof shall be of the same force as of an original will.

the same, That where the copy of any will which has been proved and allowed in any Probate Court in any of the United States, or in any foreign State or Kingdom, shall be directed to be filed and recorded in any Probate Court in this Government pursuant to this act the filing and recording thereof shall be of the same force and effect as the filing and recording of an original will proved and allowed in the same Court of Probate; and the said Judge may thereupon proceed to take bonds of the executor, or grant administration of the said testator's estate lying in this government, with the will annexed, and settle the said estate in the same way and manner as by law he may or can upon the estates of testators whose wills have been duly proved before him.

Persons interested in wills proved without this government, desiring the same may be filed; directions how to proceed.

And be it further enacted, That when the executor or any other person interested in a will that has been proved and allowed in a Court of Probate in any of the United States, or in a Court of Probate in any other State or Kingdom, pursuant to the laws of such State or Kingdom, shall produce a copy of such will, with a copy of the probate thereof, under the seal of the Court where the same will has been proved and allowed, unto any Judge of Probate in any county in this government, where the testator had estate, real or personal, whereon the same will may operate, and shall in writing desire the same may be filed and recorded in the Probate Office in the same county pursuant to this statute, the said Judge shall assign a time and place for taking the same into consideration, and shall cause notice thereof to be made in some public news paper, three weeks successively, thirty days at the least before the time assigned, to the end that any person may appear and shew cause against the filing and recording the same; and if at the time assigned no objection is made, or none in the judgment of the said Judge sufficient to prevent it, the same Judge may cause the same copy to be filed in the Registry of the said Court of Probate, and direct the same to be also there recorded: *Saving always*, an appeal to any person apprehending himself injured thereby to the Supreme Court of Probate, as in other Probate matters.

When an original will shall be offered for probate, & the witnesses live more than thirty miles distant,

And be it further enacted, That when an original will shall be offered for Probate before any Court of Probate in this government, and the witnesses thereunto live out of the government, or more than thirty miles distant, or

by reason of age or indisposition of body, are unable to appear and give evidence before the Court, in every such case, the deposition of such witness in writing, taken before any person or persons duly authorized by *dedimus potestatem* from such Probate Court, shall have the same force and effect as though the witness was present and testified *vive voce* before the Court.

depositions may
be taken in such
cases.

Provided always however, Before the Probate of any will shall be allowed from the evidence of affidavits, such proceedings shall be had in all respects as in this act are provided respecting wills previously proved and allowed in a Court of Probate without this Commonwealth; and appeals in all such cases shall be allowed, as is provided for in other Probate matters.

Proviso.

And it is further provided, That nothing in this act shall be construed to make valid any will or codicil that is not attested and subscribed in the manner the laws of this Commonwealth direct, nor to give operation and effect to the will of an Alien different from that which such will would have had before the passing this act.

Further pro-
viso.

June 29, 1785.

1785.—Chapter 13.

[May Session, ch. 12.]

AN ACT DETERMINING THE TIMES AND PLACES FOR HOLDING JUDICIAL COURTS IN THE COUNTY OF BERKSHIRE, A LIMITED TERM.

Chap. 13

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Supreme Judicial Court, and the Courts of Common Pleas and General Sessions of the Peace, within the county of *Berkshire*, shall be holden at the times and places hereafter mentioned, until the first day of *January*, in the year of our Lord, One thousand seven hundred and eighty-seven; *that is to say,* The Supreme Judicial Court at *Great Barrington*, on the first Tuesday of *October*; the Courts of Common Pleas and General Sessions of the Peace, at said *Great Barrington*, on the second Tuesday of *September* and third Tuesday of *November*; and at *Pittsfield*, on the first Tuesday of *February* and second Tuesday of *May*; any law to the contrary notwithstanding.

June 30, 1785.

1785. — Chapter 14.

[May Session, ch. 13.]

Chap. 14 AN ACT IN ADDITION TO, AND FOR REPEALING CERTAIN PARTS OF AN ACT PASSED IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE, ENTITLED, "AN ACT TO REGULATE THE CATCHING SALMON, SHAD AND ALEWIVES, AND TO REMOVE AND PREVENT OBSTRUCTIONS IN *MERRIMACK RIVER*, AND IN THE OTHER RIVERS AND STREAMS RUNNING INTO THE SAME, WITHIN THIS COMMONWEALTH, AND FOR REPEALING SEVERAL ACTS HERETOFORE MADE FOR THAT PURPOSE."

Time altered for catching fish.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the time allowed for catching salmon, shad and alewives in said rivers and streams, by the act to which this is an addition, be, and it is, hereby so far altered, that it shall hereafter begin at sunset, on Monday evening, and end at sunset on Thursday evening, in each week; any thing in the said act to the contrary notwithstanding.

Third paragraph repealed.

And be it further enacted by the authority aforesaid, That the third enacting paragraph in the said act be, and it is, hereby repealed.

Penalty for erecting obstructions, &c.

And be it further enacted by the authority aforesaid, That if any person or persons shall erect any obstruction or incumbrance in or across the said *Merrimack River*, or any of the rivers or streams running into the same, or continue such as are already erected, so as to prevent the free passage of the said fish up the said rivers and streams, he or they so offending, shall forfeit and pay a fine of *Twenty pounds*, to be recovered and applied in the same manner as fines for a breach of the act to which this is in addition are recovered and applied.

Persons found in possession of said fish within three miles, shall be accounted guilty of catching the same, unless.

And be it further enacted, That if any fresh salmon, shad or alewives, shall be found with or in the possession of any person or persons whatever, within three miles of any of the said rivers or streams, and within this Commonwealth, at any other time than the time allowed by law for catching said fish in the said rivers and streams, such person or persons shall be held and accounted in law to be guilty of catching said fish contrary to the true intent of the said act, and shall pay a fine accordingly, unless such person or persons shall make oath in the Court before whom trial is had that said fish were actually

caught within the time allowed by law for catching the same, or make proof who was the person or persons that caught said fish, or who sold the same.

Providing always, That every Justice of the Peace to whom complaint shall be made against any person or persons for having in his or their possession any fresh salmon, shad or alewives, as aforesaid, shall, before he issue his warrant against the person or persons complained of, cause the complainant to make oath to his complaint, and that he really believes that the fish in the said complaint mentioned were caught in the time prohibited by law for catching the same.

June 30, 1785.

1785. — Chapter 15.

[May Session, ch. 14.]

AN ACT TO PREVENT DAMAGE FROM FIRE BEING COMMUNICATED FROM CHOCOLATE MILLS AND MACHINES FOR ROASTING COCOA, IN THE TOWN OF BOSTON. Chap. 15

Whereas chocolate mills and machines for roasting cocoa have been erected in the town of Boston, near to other buildings, to the great hazard of the lives and property of the inhabitants of the said town:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person, from and after the fifth day of *July* next, shall, within the said town, roast or cause to be roasted any cocoa, for the purpose of manufacturing the same into chocolate, in any building whatever, excepting such as may or shall be licenced for that purpose by the major part of the Selectmen of the town aforesaid, and two Justices of the Peace for the county of *Suffolk*, *quorum unus*, he shall forfeit and pay, for every such offence, a sum not exceeding *One hundred* nor less than *Fifty pounds*.

June 30, 1785.

1785. — Chapter 16.

[May Session, ch. 15.]

AN ACT AUTHORIZING AND EMPOWERING THE DELEGATES REPRESENTING THIS COMMONWEALTH IN THE UNITED STATES IN CONGRESS ASSEMBLED, TO SUBSCRIBE AND RATIFY AN ALTERATION OF PART OF THE EIGHTH ARTICLE OF THE CONFEDERATION AND PERPETUAL UNION OF THE UNITED STATES OF AMERICA. Chap. 16

Whereas it is convenient that a rule, other than that contained in the said eighth Article of the Confederation

Preamble.

and perpetual Union, should be established for ascertaining the proportions to be supplied by the said States respectively to the common treasury; and such alteration having been recommended by the United States in Congress assembled:

Delegates empowered to ratify an agreement for the alteration of the 8th Article of the Confederation.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Delegates representing this Commonwealth in the United States in Congress assembled, shall be, and hereby are, authorized and empowered to subscribe and ratify an agreement for the alteration of the said eighth Article of Confederation and perpetual Union, which shall be contained in the following words, that is to say — So much of the eighth of the Articles of Confederation and perpetual Union, between the thirteen States of America as is contained in the words following,

Clause revoked.

viz. — “ All charges of war, and all other expences that shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several States in proportion to the value of all land within each State, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the United States in Congress assembled shall from time to time direct and appoint,” is hereby revoked and made void; and in place thereof, it is declared and concluded, the same having been agreed to in a Congress of the United States, that all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of a common treasury, which shall be supplied by the several States, in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description, except Indians not paying taxes in each State, which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint.

July 2, 1785.

1785. — Chapter 17.

[May Session, ch. 16.]

AN ACT IN ADDITION TO AN ACT PASSED THE TENTH DAY OF *JULY, ANNO DOMINI*, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-THREE, ENTITLED, "AN ACT LAYING DUTIES OF IMPOST AND EXCISE ON CERTAIN GOODS, WARES AND MERCHANTIZE, THEREIN DESCRIBED, AND FOR REPEALING THE SEVERAL LAWS HERETOFORE MADE FOR THAT PURPOSE;" AND ALSO ANOTHER ACT PASSED THE FIRST DAY OF *JULY*, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR, ENTITLED, "AN ACT IN ADDITION TO AND FOR THE EXPLANATION OF AN ACT, ENTITLED, "AN ACT LAYING DUTIES OF IMPOST AND EXCISE ON CERTAIN GOODS, WARES AND MERCHANTIZE, THEREIN DESCRIBED, AND FOR REPEALING THE SEVERAL LAWS HERETOFORE MADE FOR THAT PURPOSE," AND FOR THE ENCOURAGEMENT OF AGRICULTURE AND MANUFACTURES, AND FOR PROMOTING INDUSTRY, FRUGALITY AND ECONOMY. Chap. 17

Whereas it is highly necessary for the welfare and happiness of all States, and more especially such as are republican, to encourage agriculture, the improvements of raw materials and manufactures, a spirit of industry, frugality and economy, and at the same time to discourage luxury and extravagance of every kind: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of August next, there shall be paid in addition to the impost already laid, the following impost on the articles hereinafter enumerated, which shall be brought into this Commonwealth by land or water, viz. — An impost of five per centum ad valorem, at the time and place of importation, on all wrought pewter not made or manufactured in any of the United States; and an impost of seven and a half per centum ad valorem, at the time and place of importation, on all beef, pork, butter and cheese, not raised and made in any of the United States; and an impost of ten per centum ad valorem on all sole leather, tanned calfskins, bound psalters, psalm books, spelling books and primers, and on all account and other blank books, and on nails of all sorts, not made in any of the United States: and an impost of twelve and half per centum ad valorem, at the time and place of importation, on all boots, boot legs, shoes, shoe vamps, goloshoes and slippers, and on all kinds of plated ware, hard soap and candles, and glue, Articles dutied.

and on all coaches, chariots, phaetons, chaises, riding chairs, sulkeys, and on all parts of riding carriages, horse harness, saddles, saddle cloths, bridles, whips and canes; and on all girth web, livery lace, coach and chaise lace, carpets of all kinds, copper plate furniture, umbrellas, muffs, tippets, and all kinds of combs not made or manufactured in any of the United States; and an impost of *twenty-two and half per centum ad valorem*, at the time and place of importation, on all beer, ale and porter, every kind of ready made cloaths or apparel, except such as are made of leather; and on all kinds of cabinet maker's work, and ready made wooden household furniture not made in any of the United States, unless the property of some person removing into this or some other of the United States to settle therein; and an impost of *two and half per centum ad valorem* on all woollen and linnen cloths and woollen stockings; and an impost as follows, at the time and place of importation, on the several articles hereafter enumerated, not made or manufactured in any of the United States, *viz.* — For all anchors, *two pence* per pound; for every ax, hatchet, scythe, carpenter's or cooper's adze, *two shillings*; for every drawing knife, *one shilling*; for every bit for boring of pumps, *six pence* per pound; for all carriage hoops and tire, *two pence* per pound; for every mill saw, *twelve shillings*; for every scale beam, *four pence* per pound; for every pair of steel yards, for each pound they are capable of weighing, *one penny* per pound; for every spade or shovel, *one shilling*; for every hoe, *one shilling*; for every pair wrought iron hand irons, *four pence* per pound; for all kinds of cast iron ware, *one penny* per pound; for every pair of iron shovel and tongs, *one shilling*; for all sorts of iron crows, spikes, tackle and other hooks, thimbles, scrapers and marling spikes, *two pence* per pound; for all kinds of pump and whaling gear, *six pence* per pound; for all wrought copper, (sheet copper excepted) including worms for stills, *nine pence* per pound; for every hat other than beaver, beaveret and castor hats, *six pence*; for every pound of loaf sugar, *four pence*; for every hundred pound weight of British cordage, cables and yarns, *seven shillings*; for every hundred pound weight of every other foreign cordage, cables and yarns, *three shillings*; for every ounce of wrought gold, *ten shillings*; for every ounce of wrought

silver, *two shillings*; for every pair of wool or cotton cards, *one shilling*; for every pair of buckskin breeches, *nine shillings*; for every pair of other leather breeches, *four shillings*; for every pair of leather gloves and mitts, *one shilling*; for every pound of wash leather, *three shillings*; for every pound of painter's colours, ground in oil, *two pence*; for every pack of playing cards, *two shillings*; for every pound of manufactured tobacco, *four pence*; for every yard of paper hangings, *one penny*; for every clock, *twenty-four shillings*; for every house jack, *twelve shillings*.

And be it further enacted by the authority aforesaid, That from and after the first day of *August* next, there shall be paid on the following articles, the duty or excise to them respectively hereafter affixed, *viz.* — For every gallon of New England rum, *one penny*; for every gallon of foreign rum, *six pence*; for every gallon of every other foreign distilled spirits, *six pence*; for every gallon of Madeira wine, *eight pence*; for every gallon of every other kind of wine, *six pence*; and the duty and excise of *ten per centum ad valorem*, at the time and place of importation, on all gold and silver watches, all kinds of jewellery and paste work; gauzes, lawns, cambrick, muslins, silks of all kinds, flowers and feathers, usually worn for ornament, silk hose, mitts and gloves, silk and gauze handkerchiefs, silk velvet, shawls, ribbons, sarsnet; all kinds of wigs, cushions, and other hair manufactures; tin ware, seamen's compasses, starch, hair powder, children's toys, marble and China tile; raisins, citron, almonds, nuts and cordials, mustard and linseed oil.

Duties of
excise.

And be it further enacted by the authority aforesaid, That from and after the first day of *August* next, no duty shall be demanded on any molasses imported into this Commonwealth in vessels belonging to the citizens of any of the United States, any law to the contrary notwithstanding; and that for all molasses, other than that which is above described, there shall be paid an impost of *five per centum*, instead of the duty heretofore required; and the Collectors of Impost and Excise, and all others concerned, are directed to govern themselves accordingly.

No duty shall be
demanded on
molasses im-
ported in Amer-
ican vessels.

And be it further enacted by the authority aforesaid, That from and after the first day *August* next, all loaf sugar shall be exempted from the duties required to be

Loaf Sugar ex-
empted from
duties hereto-
fore required.

paid on the same by the acts aforesaid, to which this is in addition.

One penny per pound to be paid on all loaf sugar.

Penalty for selling excised articles without a permit.

And be it further enacted by the authority aforesaid, That from and after the first day of *August* next, there shall be paid an excise of *one penny* per pound on all loaf sugar : And every person that shall import into this Commonwealth, by land or water, any loaf sugar, or any other articles whereon a duty of excise is required by this act, or to whom any such loaf sugar, or any excised articles aforesaid, may be consigned, shall be, and is, hereby prohibited from selling the same, or any part thereof, without having a permit so to do from the Collector of Excise, or his deputy. And every person owning or possessing any loaf sugar, or manufacturing the same, or possessing any other articles whereon a duty of excise is required by this act, shall be, and hereby is, prohibited from selling such sugar or any other of the excised articles aforesaid, or any part thereof, from and after the first day of *August* next, without having a permit so to do from the Collector of Excise or his deputy, on forfeiture of a sum not less than *forty shillings*, nor more than *Twenty pounds*, and the value of the sugar, or other of the excised articles aforesaid so sold. And the collectors and their deputies are hereby empowered and required to grant permits on the same conditions and in the same manner as prescribed by law for selling other excised articles.

Duties, by whom collected.

Allowance on chocolate exported by water.

And be it further enacted by the authority aforesaid, That all the duties of impost and excise aforesaid, shall be collected by the same persons, and in the same manner as are prescribed in the said acts to which this is in addition ; and a remission of the duties aforesaid, in case of exportation by water, shall be allowed in the same manner as is provided for in said acts. And there shall be allowed *one penny* per pound on all chocolate which shall be manufactured within this Commonwealth, and from thence exported by water, — the exporters thereof giving bonds and observing all other rules prescribed to be observed in the case of exportation of excised articles by water, in order to obtain a remission of the duties of excise.

And to prevent smuggling :

Selectmen to appoint persons to give infor-

Be it further enacted by the authority aforesaid, That the Selectmen of the several towns in this Commonwealth,

he, and they are, hereby required and directed, from time to time, as they shall find it necessary, to appoint one or more suitable person or persons, whose duty it shall be to give information to the Collector of Impost and Excise, or to his deputy, of all breaches of this act that shall come within his or their knowledge.

And to render the revenue arising from impost and excises permanent and efficient, it is necessary to prevent every species of smuggling :

Be it therefore enacted, That not only all dutied articles brought into this State by land contrary to law, shall be forfeited, but also the cart, waggon, sled, or any other conveyance whatever on which said articles shall be found, and also the horses, oxen or other creatures drawing the same, with all their tacklings and appurtenances, shall be forfeited : And any person that is now authorized by law to make any kind of seizure, is hereby directed and empowered to seize and secure the same for trial.

And be it further enacted, That not only all goods, wares and merchandize brought into this Commonwealth on board of any vessel or float, which shall not be entered in the manifest, shall be forfeited, but also the vessel or float, with their appurtenances, provided the owner or master of said vessel or float are the persons to whom the goods belong that may be imported and not entered as aforesaid. And the Naval Officers, Collectors, and their Deputies, are authorized and required to seize and secure such vessel or float, with all its apparel and appurtenances, for trial ; and on the condemnation thereof, the net proceeds shall be disposed of as the law directs respecting goods so seized. And if any Collector of Impost and Excise, or his deputy, shall wilfully neglect or refuse attending to his duty, as prescribed in this act, and be thereof convicted, he shall ever after be rendered incapable of holding any place of trust, honor or profit, within this Commonwealth.

And be it further enacted by the authority aforesaid, That all monies arising from this act, excepting such as are otherwise appropriated, shall be applied for the payment of interest, as specified in the act herein first named, and for no other purpose. And this act shall continue and be in force during the continuance of the aforesaid acts, and no longer.

July 2, 1785.

Forfeiture for smuggling by land.

Vessels bringing goods not entered in the manifest, to be forfeited.

How disposed of.

Collectors neglecting their duty ; penalty.

Monies arising from this act, excepting such as are otherwise appropriated, shall be applied for the payment of interest, as specified in the act herein first named, and for no other purpose.

1785. — Chapter 18.

[May Session, ch. 17.]

Chap. 18 AN ACT FOR REPEALING A LAW OF THIS COMMONWEALTH, ENTITLED, "AN ACT IMPOSING DUTIES ON LICENCED VELLUM, PARCHMENT AND PAPER," AND FOR IMPOSING OTHER DUTIES ON CERTAIN PAPERS, COMMISSIONS, INSTRUMENTS AND PROCESSES.

Preamble.

Whereas the said act, entitled "An act imposing duties on licenced vellum, parchment and paper," will be inconvenient in its operation:

Former act repealed.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the act aforesaid, and every article, matter and thing therein contained, be, and the same hereby is, repealed and rendered null and void.

Preamble.

And whereas by means of the late war a considerable public debt hath arisen, and it is the duty of the Legislature, and for the interest of their constituents, that ways and means the least burdensome, be provided for the punctual discharge of the interest, and the gradual lessening the principal thereof; and whereas considerable sums of money may be collected from certain papers, commissions, instruments and processes:

Be it therefore enacted by the authority aforesaid, That from and after the first day of August next, there shall be levied, collected, and paid, throughout this Commonwealth, for the several and respective writings, instruments and things hereafter mentioned, the several and respective rates, duties, charges and sums of money hereinafter expressed, that is to say,

Instruments, &c. dutied.

For every deed that shall be recorded by any Register of Deeds, in any of the counties of this Commonwealth, one shilling, to be paid to such Register by the person procuring such deed to be recorded.

For every original writ issued from the office of a Clerk of Common Pleas, eight pence.

For every original writ issued by any Justice of the Peace, four pence.

For every writ of execution issued by a Clerk of the Supreme Judicial Court, eight pence.

For every writ of execution issued by the Clerk of any Court of Common Pleas, eight pence.

For every writ of execution issued by a Justice of the Peace, four pence.

For every confession of a judgment before any Justice of the Peace, *four pence*.

For every register of a vessel, *one shilling*.

For every charter party, *three shillings*.

For every policy of insurance, *two shillings*.

For each advertisement respecting private concerns, of the length of twelve lines, computing eight words to a line, or any less advertisements, each time the same shall be inserted in a news paper, *six pence*; on each such advertisement of greater length, and less than twenty such lines, *one shilling*, for each time inserted as aforesaid; and in that proportion for all advertisements of greater length.

For every bill of lading, *one penny*.

For every commission for the office of Sheriff in either of the counties of *Suffolk, Essex, Middlesex, Hampshire, Worcester and Berkshire, Twelve pounds*; and in any other county in the Commonwealth, *Six pounds*.

For the appointment of any person to be Clerk of the Supreme Judicial Court, or Clerk of a Court of Common Pleas in either of the counties of *Suffolk, Essex, Middlesex, Hampshire, Worcester or Berkshire, Twelve pounds*; and for the appointment of any person to be Clerk of a Court of Common Pleas in any other county in the Commonwealth, *Six pounds*.

For each Register of Deeds, on every choice, *twenty shillings*.

For every commission for the office of a Justice of a Court of Common Pleas, *twenty shillings*.

For every commission for the office of a Judge of Probate, *twenty shillings*.

For every commission for the office of Register of Probate, *twenty shillings*.

And no person shall be qualified to exercise either of the offices aforesaid, or perform any of the duties thereof, until he hath actually paid to a Collector of Impost and Excise, the duty imposed by this act, and obtained a certificate thereof.

For every admission of any person to practice as an Attorney in a Court of Common Pleas, *Six pounds*.

For the admission of any person to practice as an Attorney in the Supreme Judicial Court, *Nine pounds*.

And no person not already admitted to practice as aforesaid, shall do the business of an Attorney in either

of the Courts aforesaid, until he hath paid to the Clerk of such Court the duty imposed as aforesaid.

For the admission of any person to the degree of a Barrister at Law, *Twelve pounds*; and no person not already admitted thereto, shall hereafter enjoy the rank and degree of a Barrister at Law, until he hath paid to the Clerk of the Supreme Judicial Court the duty aforesaid.

Proviso.

Provided always, That nothing in this act shall be construed to extend to the preventing any person from exercising the right he hath of supporting his cause, or defending himself, by himself or his Counsel at his election.

Duty upon writs to take place upon notice of the passing of this act.

And be it further enacted by the authority aforesaid, That for all writs issued before the said first day of *August*, by any Justice of the Peace or the Clerk of any Court of Common Pleas, after such Justice or Clerk shall have had notice of the passing of this act, the same duty shall be paid as if such writ had been issued after the said first day of *August*; and no deed which shall be made after the said first day of *August*, shall be recorded after the expiration of six months from the time of making the same, unless the person requesting that the same may be recorded, shall pay to the Register a duty of *six shillings*.

How often persons shall account with the Collector, and pay the duties imposed.

And be it further enacted, That the Register of Deeds in the several counties of this Commonwealth, shall at the end of every three months, from the said first day of *August*, render to the Collector of Excise for the county whereof he is Register, or to his Deputy, an account upon oath of the number of all deeds by him recorded or received for that purpose, and shall pay to such Collector or Deputy the duty arising thereon by this act; and every Justice of the Peace and Clerk of the Court of Common Pleas in the several counties, and the Clerks of the Supreme Judicial Court, shall in like manner, at the end of every three months, render an account upon oath to the Collector of Excise of the county wherein they respectively live, of all writs by them respectively issued, upon which a duty is imposed by this act; and the several Clerks aforesaid shall also render an account to such Collector, of the Attorneys admitted at their respective Courts; and the said Clerks and Justices shall pay to such Collector the whole sum of the duties imposed by this act on such writs and admissions; and every Printer

of news papers within this Commonwealth shall, at the end of every six months from the said first day of *August* next, render upon oath to the Collector of Excise for the county to which he belongs, an account of the duties by him, or the company to which he belongs, owing for the advertisements printed by him or them, and shall pay the duties imposed thereon by this act. And if any Register of Deeds, Justice of the Peace, Clerk of any Court of Common Pleas, or of the Supreme Judicial Court, or any Printer of a news paper, shall refuse or neglect to render an account as aforementioned, and pay the duties to the Collector as aforesaid, such Register, Justice, Clerk, or Printer, thus refusing or neglecting, shall forfeit and pay to the use of this Commonwealth, the sum of *One hundred pounds*, to be sued for and recovered by the Collector of the county to which they respectively belong, in any Court proper to try the same.

Persons refusing to account.

Penalty.

And be it further enacted by the authority aforesaid, That for the purpose of effectually levying and collecting the duties imposed by this act on charter parties, policies of insurance, and bills of lading, the same shall be signed on the left hand by some one of the Naval Officers of the county where the same shall be made, who shall receive the duties imposed as aforesaid, and shall render an account upon oath so often as he is obliged by law to account for light money received by him, unto the Treasurer of this Commonwealth, for the duties imposed by this act on registers of vessels, charter parties, policies of insurance and bills of lading.

Charter Parties, policies of insurance, and bills of lading, shall be signed by some naval officer, who shall receive the duties.

Be it further enacted by the authority aforesaid, That every charter party, policy of insurance and bill of lading, engrossed or written after the first day of *September* next, in the counties of *Suffolk*, *Essex* and *Middlesex*, and in every other part of the Commonwealth after the first day of *October* next, the same not being signed as by this act is required, shall be utterly void and of no effect whatever.

Those not signed, shall be utterly void.

And be it further enacted by the authority aforesaid, That if any person or persons shall at any time hereafter counterfeit or forge any mark or signature which shall be provided or used in pursuance of this act, or shall counterfeit or resemble the impression of the same, upon vellum, parchment or paper, with an intention to deprive the Commonwealth of any of the duties aforesaid, or shall

Penalty for counterfeiting, forging, or fraudulently using, any mark or signature provided or used in pursuance of this act.

utter, sell or dispose of any vellum, parchment or paper, having thereon any such counterfeited or forged marks or signatures, knowing the said marks or signatures to be forged or counterfeited; or if any person shall privately or fraudulently use any mark or signature provided or used in pursuance of this act, with an intent thereby to defraud the Commonwealth, every person so offending, and being thereof convicted before the Supreme Judicial Court, shall forfeit and pay a sum not exceeding *Five hundred pounds*, be subjected to be confined to hard labour for a term not exceeding seven years, be whipped not exceeding thirty-nine stripes, or suffer either or all of the said punishments, according to the nature and aggravation of the offence.

Collectors of impost and excise shall keep a regular and separate account of all monies arising by this act.

And be it further enacted, That the several and respective Collectors of Impost and Excise in this Commonwealth, shall keep a regular and separate account of all monies arising by this act, and shall render the same, and pay the monies which they may receive by virtue of this act, into the Treasury of this Commonwealth, at the times by law required for payment of the monies arising by impost and excise; and the said Collectors shall receive the same commissions for the collection of the duties hereby imposed, as are provided for the collection of the duties arising from impost and excise. *July 2, 1785.*

1785. — Chapter 19.

[May Session, ch. 18.]

Chap. 19 AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Preamble.

Whereas the several acts hereinafter mentioned, which are now expired or near expiring, have been found useful and beneficial, *viz.*: One act made in the year of our Lord, one thousand seven hundred and fifty-two, entitled, “An act for the further preventing all riotous, tumultuous and disorderly assemblies or companies of persons, and for preventing bonfires in any of the streets or lanes within any of the towns of this Province.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-one, entitled, “An act establishing a watch for the safety and better securing the good order of the town of *Boston*.” Also, an act made in the year of our Lord, one thousand seven hundred and thirty-nine,

entitled, “An act for the effectual preventing of horses, neat cattle, sheep and swine, from running at large or feeding upon a certain island, called *Plumb Island*, lying in *Ipswich Bay*, in the county of *Essex*.” Also, an act made in the year of our Lord, one thousand seven hundred and forty, entitled, “An act to prevent damage being done to the harbour of *Cape Cod*, by cattle and horse kind feeding on *Province Town* land.” Also, an act made in the year of our Lord, one thousand seven hundred and fifty-seven, entitled, “An act to prevent damage being done unto *Billingsgate Bay*, in the town of *Eastham*, by cattle and horse kind, and sheep, feeding on the beach and islands adjoining thereto.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-four, entitled, “An act in addition to the act for preventing damage to the harbour of *Cape Cod*, by cattle and horse kind feeding on *Province Town* lands.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-six, entitled, “An act to prevent damage being done unto *Nosset Meadow*, by cattle and horse kind feeding on the beach adjoining thereto.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-nine, entitled, “An act to prevent damage being done on the beach in *Biddeford*, and meadows adjoining to said beach, commonly known by the name of *Winter Harbour Beach*.” Also, an act made in the same year, entitled, “An act to prevent the disturbance given the General Court by the passing of coaches, chaises, carts, trucks and other carriages, by the Province Court House.” Also, an act made in the year of our Lord, one thousand seven hundred and fifty-three, entitled, “An act to prevent neat cattle and horses running at large, and feeding on the beaches and meadows below the banks, in the town of *Truro*, from the house of *Joshua Atkins* to *Bound Brook*, and also in the common meadow at and about *Pamit Harbour* and river, as far up as the wading place by *John Lumbart's*.” Also, an act made in the year of our Lord, one thousand seven hundred and fifty-eight, entitled, “An act for altering a clause in an act made in the thirtieth year of his present Majesty's reign, entitled, “An act to prevent damage being done on the *Billingsgate Bay*, in the town of *Eastham*, by cattle and horse kind, and sheep, feeding on the beach and islands adjoining thereto.” Also, an act made

in the year of our Lord, one thousand seven hundred and fifty-seven, entitled, “An act to prevent damage being done on the meadows and beaches lying in the township of *Barnstable*, on the south side of the harbour contiguous to the common field in said town.” Also an act made in the same year, entitled, “An act to prevent neat cattle, horses and sheep, running at large and feeding on the beaches between *Wells* and *Ogunquit* harbours, in the town of *Wells*, and to prevent the mowing of the same.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-one, entitled, “An act to prevent damage being done on the meadows and beaches lying in and adjoining on the north side of the town of *Harwich*, between *Skeket* harbour on the east, and *Quivet* harbour on the west.” Also, an act made in the same year, entitled, “An act in addition to an act, made and passed this present year, entitled, “An act to prevent damage being done on the meadows and beaches lying in and adjoining to the north side of the town of *Harwich*, between *Skeket* harbour on the east, and *Quivet* harbour on the west.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-three, entitled, “An act for preventing mischief by unruly dogs on the island of *Nantucket*.” Also an act made in the year of our Lord, one thousand seven hundred and forty-four, entitled, “An act to prevent mischief being done by unruly dogs.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-five, entitled, “An act to prevent damage being done in the woods in *Plymouth*, *Sandwich*, *Barnstable*, *Falmouth* and *Wareham*, by hunting with hounds and dogs.” Also, an act made in the year of our Lord, one thousand seven hundred and seventy-two, entitled, “An act for regulating town meetings in the town of *Danvers*.” Also, an act made in the year of our Lord, one thousand seven hundred and forty, entitled, “An act in further addition to an act for regulating of fences, &c.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-five, entitled, “An act for the preservation and increase of moose and deer on *Tarpolin Cove Island* and *Nenemisset Island*, lying and being in the county of *Dukes County*.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-seven, entitled, “An act to prevent the destruction of wild fowl.” Also, an act made in

the year of our Lord, one thousand seven hundred and forty-eight, entitled, “An act to prevent damage by fire in the towns of *Boston* and *Charlestown*.” Also an act made in the year of our Lord, one thousand seven hundred and forty-nine, entitled, “An act to prevent any persons obstructing the fish in their passing up into *Monatiquot River*, within the town of *Braintree*.” Also, an act made in the year of our Lord, one thousand seven hundred and fifty, entitled, “An act in addition to an act for regulating fences, cattle, &c.” Also, an act made in the year of our Lord, one thousand seven hundred and fifty-three, entitled, “An act in addition to the several laws of this government, made for the regulating general fields.” Also, an act made in the year of our Lord, one thousand seven hundred and fifty-nine, entitled, “An act in addition to an act, entitled an act for regulating of fences, cattle, &c.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty, entitled, “An act relating to ferries.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-two, entitled, “An Act in addition to the several acts made to prevent damage by fire in the town of *Boston*.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-four, entitled, “An act to enable the Collectors of Taxes in the town of *Boston* to sue for and recover the rates and taxes given them to collect, in certain cases.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-four, entitled, “An act in addition to the act, entitled, “An act to prevent the unnecessary destruction of alewives in the town of *Middleborough*.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-five, entitled, “An act for preventing the unnecessary destruction of alewives within this province.” Also, an act made in the year of our Lord, one thousand seven hundred and seventy-one, entitled, “An act for regulating the alewife fishery in the town of *Pembroke*.” Also, an act made in the year of our Lord, one thousand seven hundred and seventy-one, entitled, “An act to prevent the taking of the fish called bass, in the River *Parker*, in the town of *Newbury*, in a certain season of the year.” Also, an act made in the year of our Lord, one thousand seven hundred and seventy-three, entitled, “An act to empower the inhabitants of the town of *Rochester*, in the

county of *Plymouth*, to regulate the taking of fish within the harbours and coves of said township." Also, an act made in the year of our Lord, one thousand seven hundred and forty-nine, entitled, "An act for regulating the hospital on *Rainsford Island*, and further providing in case of sickness." Also, an act made in the year of our Lord, one thousand seven hundred and fifty-three, entitled, "An act for preventing damage by horses going at large." Also, an act made in the year of our Lord, one thousand seven hundred and sixty, entitled, "An act to prevent damage being done on a beach at *Monument Ponds*, in the township of *Plymouth*, lying between the lands of the late *Thomas Clark* and *Joseph Bartlett*, deceased; and on a certain tract of marshy ground lying under water there." Also, an act made in the year of our Lord, one thousand seven hundred and fifty-eight, entitled, "An act in addition to an act in addition to the several acts for the better regulating the Indians." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-three, entitled, "An act for incorporating the Indians and Mulattoes, inhabitants of *Mashpee*, with their lands there, into a district, with certain privileges, and for their better regulation." Also, an act made in the year of our Lord, one thousand seven hundred and forty-nine, entitled, "An act for punishing such offenders as shall be any ways concerned in contriving, writing, or sending any incendiary or menacing letters, in order to extort sums of money or other things of value, from any of his Majesty's good subjects." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-one, entitled, "An act further empowering the Courts of General Sessions of the Peace, in this Province, to grant licenses in certain cases, and thereby to prevent unnecessary petitions to the General Court." Also, an act made in the year of our Lord, one thousand seven hundred and forty-six, entitled, "An act to prevent the destruction of the meadow called *Sandy Neck Meadow* in *Barnstable*, and for the better preservation of the harbour there." Also, an act made in the year of our Lord, one thousand seven hundred and fifty, entitled, "An act providing for the support of ministers in new plantations." Also, an act made in the year of our Lord, one thousand seven hundred and fifty-five, entitled, "An act to prevent damage being done on the beach, hummocks

and meadows, belonging to the town of *Scituate*, lying between the southerly end of the third cliff (so called) and the mouth of the *North River*." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-three, entitled, "An act declaring and regulating the standard of wheat imported into this Province, and for preventing abuses by millers." Also, an act made in the year of our Lord, one thousand seven hundred and seventy, entitled, "An act to empower the inhabitants of the town of *Newburyport*, belonging to the several religious societies within the same, to raise money for defraying ministerial and necessary charges." Also, an act made in the year of our Lord, one thousand seven hundred and seventy-two, entitled, "An act to prevent the destruction of oysters in *Charles* and *Mistick Rivers*." Also, an act made in the year of our Lord, one thousand seven hundred and forty-one, entitled, "An act for the better regulating porters employed within the town of *Boston*." Also, an act made in the year of our Lord, one thousand seven hundred and forty-eight, entitled, "An act to prevent damage being done on the beach and meadows in *Plymouth*, adjoining to said beach, commonly known by the name of *Plymouth Beach*." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-five, entitled, "An act for the preservation of the beach and harbour in the town of *Plimouth*." Also, an act made in the year of our Lord, one thousand seven hundred and fifty-seven, entitled, "An act in addition to an act, entitled, "An act in addition to the act for the providing of pounds, &c." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-four, entitled, "An act to empower the proprietors of the meeting house in the town of *Newburyport*, where the Reverend Mr. *Jonathan Parsons* officiates, to raise money to defray ministerial and other necessary charges." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-seven, entitled, "An act in addition to the several laws already made relating to the removal of poor persons out of the towns whereof they are not inhabitants." Also, an act made in the year of our Lord, one thousand seven hundred and seventy-three, entitled, "An act for regulating lamps already set up, or that may hereafter be set up, for enlightening the streets, lanes, alleys or passage ways, in the town of *Boston*, and to pre-

vent the breaking or otherwise damnifying the same ; and also establishing the method for paying the expences that may arise in supporting and maintaining said lamps." Also, an act made in the year of our Lord, one thousand, seven hundred and fifty-nine, entitled, "An act providing that the solemn affirmation of the people called Quakers, shall, in certain cases, be accepted instead of an oath, in the usual form." Also, an act made in the year of our Lord, one thousand seven hundred and forty, entitled, "An act to encourage the increase of sheep and goats." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-three, entitled, "An act to exempt the people called Quakers from the penalty of the law for non-attendance on military musters." Also, an act made in the year of our Lord, one thousand seven hundred and forty-two, entitled, "An act to prevent the spreading of the small pox, and other infectious sickness, and to prevent the concealing of the same." Also, an act made in the year of our Lord, one thousand seven hundred and forty-four, entitled, "An act in addition to an act for appointing Commissioners of Sewers." Also, an act made in the year of our Lord, one thousand seven hundred and forty-six, entitled, "An act for the better regulating swine." Also, an act made in the year of our Lord, one thousand seven hundred and fifty, entitled, "An act in addition to the act, entitled, "An act to encourage the increase of sheep and goats." Also, an act made in the same year, entitled, "An act to prevent stage plays and other theatrical entertainments." Also, an act made in the year of our Lord, one thousand seven hundred and fifty-one, entitled, "An act to empower the proprietors of the meeting house in the first parish in *Salem*, where the Rev. Mr. *John Sparhawk* now officiates ; and also the proprietors of the meeting house in the third parish in *Newbury*, where the Rev. Mr. *John Lowell* officiates, to raise money for defraying the ministerial and other necessary charges." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-one, entitled, "An act for the preventing the stealing and clandestinely conveying sheep away from the island of *Martha's Vineyard*, in *Dukes County*." Also, an act made in the year of our Lord, one thousand seven hundred and forty-two, entitled, "An act in further addition to, and explanation of an act, entitled, "An act

for regulating, townships, choice of town officers, &c." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-eight, entitled, "An act in further addition to the several acts for the settlement and support of schools and schoolmasters." Also, an act made in the year of our Lord, one thousand seven hundred and fifty-three, entitled, "An act to prevent firing the woods." Also, an act made in the year of our Lord, one thousand seven hundred and fifty-four, entitled "An act for securing the growth and increase of a certain parcel of wood and timber in the townships of *Ipswich* and *Wenham*, in the county of *Essex*." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-seven, entitled, "An act to prevent damage being done on the meadows and beaches lying in and adjoining on the south side of the towns of *Tisbury* and *Chilmark*, in the county of *Dukes County*, between the lands of *Matthew Mayhew*, Esq; on the west, and the creek of water that divides the land of *Thomas Waldron* from the beach, on the east." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-eight, entitled, "An act to prevent damage being done on *Bound Brook* Island and *Griffith's* islands, within the district of *Wellfleet*, by cattle, horse kind and sheep." Also, an act made in the year of our Lord, one thousand seven hundred and sixty-eight, entitled, "An act to prevent the destruction of the salt meadows lying in the towns of *Tisbury* and *Chilmark*." Also, an act made in the year of our Lord, one thousand seven hundred and seventy-three, entitled, "An act to prevent the destruction of alewives and other fish in *Ipswich* River, and to encourage the increase of the same." Also, an act made in the year of our Lord, one thousand seven hundred and seventy-four, entitled, "An act making further provision for regulating the alewife fishery in the town of *Bridgewater*, and for repealing an act made in the eleventh year of his present Majesty's reign, entitled, "An act for regulating the alewife fishery in the town of *Bridgewater*." Also, an act made in the same year, entitled, "An act to prevent neat cattle, horses, sheep, goats and swine from going at large upon the island of *Chabequidick*, at certain seasons of the year, and for preventing other trespasses being done on any of the Indian lands on said island for the future." Also, an act made in the year of our Lord,

one thousand seven hundred and fifty-six, entitled, “An act in addition to the several acts and laws of this province now in force, respecting poor and idle, disorderly and vagrant persons.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-nine, entitled, “An act to prevent the unnecessary destruction of alewives in the town of *Middleborough*.” Also, an act made in the year of our Lord, one thousand seven hundred and eighty-three, entitled, “An act for reviving the act, entitled, “An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers.” Also, another act, entitled, “An act in addition to an act made and passed at the last session of the General Court, entitled, “An act to regulate the sale of goods at public vendue, and to limit the number of auctioneers.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-one, entitled, “An act providing for the levying and collecting of taxes in plantations that are not incorporated.” Also, an act made in the year of our Lord one thousand seven hundred and eighty-two, entitled, “An act in addition unto an act, entitled, “An act providing for the levying and collecting taxes in plantations that are not incorporated.” Also, an act made in the year of our Lord, one thousand seven hundred and eighty-one, entitled, “An act to provide more effectually for the preservation of the fish called alewives in the streams running into *Merrimack River*, within the town of *Andover*.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-nine, entitled, “An act against diminishing or counterfeiting money.” Also, an act made in the year of our Lord, one thousand seven hundred and sixty-three, entitled, “An act in addition to the act made and passed in the eighth year of the reign of her late Majesty Queen *Anne*, entitled, “An act for regulating of drains or common shores.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-one, entitled, “An act to prevent unnecessary petitions to the Great and General Court.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-eight, entitled, “An act for the ease of prisoners for debt.” Also, an act made in the year of our Lord, one thousand seven hundred and forty-four, entitled, “An act to prevent neat cattle and horses running at large, and feeding on the beaches adjoining to

Eastern Harbour meadows, in the town of *Truro*.” Also, an act made in the year of our Lord, one thousand seven hundred and fifty-nine, entitled, “An act in addition to an act, entitled, “An act to prevent fraud in cord wood exposed to sale :”

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such of the before mentioned acts as are expired be revived, and such of the said acts as are not yet expired be continued, with all and every article, clause, matter and thing therein respectively contained, and shall be in force until the first day of *November*, in the year of our Lord, one thousand seven hundred and ninety-seven.

July 2, 1785.

Enacting clause

1785. — Chapter 20.

[October Session, ch. 2.]

AN ACT INCORPORATING CERTAIN LANDS IN *WEST SPRINGFIELD*, INTO A COMMON FIELD. Chap. 20

Whereas Jonathan Smith, Aaron Day, Caleb Parsons, Benjamin Day, *Esq*; Joseph Mirick, Elijah Day, David Mason, Jonathan White, Ebenezer Day and Justin Ely, *Esq*; all of West Springfield, proprietors of a certain tract of land there, being the northwardly part of the ancient common field, have petitioned that the said lands may be incorporated into a common field, as they are included in the following lines: — Beginning at the southwardly corner of John Ely's inclosed land, the north side of the road that leads from Captain Gideon Leonard's ferry across Connecticut River to the bridge over Agawam River, to extend northwardly on John Ely's fence, there to the northwest corner of his said inclosed land, thence turning east a few rods on the said fence, till it comes to Colonel Benjamin Day's fence there; thence turning northerly, and continuing on said fence 'till it comes to Dr. John Van Horne's fence or ditch; thence turning and running westward on the said fence to Cold Spring, so called, and keeping the same course nearly, on the ditch, the south end of Ebenezer Day's and Captain Abel Cooley's land to the southwest corner of said land; thence turning northwesterly on the range of said Cooley's ditch, until it comes to the southwest corner of Deacon Jonathan White's home lot; thence turning southwardly the east side of the road that

Preamble and Boundaries.

goes to the bridge over Agawam River, until it comes near the northwest corner of Samuel Leonard's pasture there; thence turning easterly, and running on the north side of the highway that leads from the aforesaid bridge, to Capt. Gideon Leonard's ferry, to the first bounds:

Incorporated &
invested with
powers.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands aforesaid be, and they hereby are, incorporated into one common and general field; and the proprietors and owners of the said lands, are hereby invested with all the powers and privileges, that the proprietors of lands in general fields, by law are invested withall.

Timothy Day
not holden as a
proprietor.

And whereas Timothy Day, one of the proprietors of the said lands, hath not joined in the application for the incorporation thereof, but has declined consenting thereto:

Therefore be it enacted, That the said Timothy Day, shall not be holden as one of the proprietors of the said field, to contribute to the making the general fence around the said field, nor be subjected to the votes of the other proprietors thereof, in regard to the lands he now owns there, whenever, and so long as he shall inclose and improve the same in severalty, or shall not improve the same under the protection and security of the common fence, with the rest of the proprietors in general, any thing in the foregoing paragraph to the contrary notwithstanding.

Proprietors at
liberty to inclose
their lands, &c.

And be it further enacted, That each, and every of the petitioning proprietors aforesaid, shall in future be at full liberty to inclose and improve by themselves, any of their lands lying within the limits aforesaid, in the same manner, and with the same privileges as are above reserved to the said Timothy Day.

October 28, 1785.

1785. — Chapter 21.

[October Session, ch. 3.]

Chap. 21 AN ACT MAKING ADDITIONAL PROVISION FOR THE PUNISHMENT OF FRAUDS AND MISDEMEANOURS.

Preamble.

Whereas offenders, convicted of certain offences, may by law be committed to hard labour in the house of correction; and the several goals in the several counties, where no other place or places are specially provided, are declared to be the houses of correction; which are by experience found inconvenient for the purpose: — And whereas Castle Island, in

the harbour of Boston, is by law appointed a place for the employment of persons sentenced to hard labour, for larcenies in certain cases:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all persons who are now under sentence to be confined to hard labour, for a term of one year or more in the house of correction, shall be removed to *Castle Island*, in the harbour of *Boston*, there to be employed in hard labour, and kept as the law directs, during the residue of the term for which they are sentenced as aforesaid; by a process issuing from the same Court which passed such sentence:

Persons under sentence, to be removed to *Castle Island*.

Provided, Such residue shall exceed the periods hereafter expressed, to be computed from the time of issuing the process aforesaid, *that is to say*, in the counties of *Hampshire*, or *Berkshire*, the term of twelve months, and in any other county, the term of six months.

Proviso.

And be it further enacted by the authority aforesaid, That in all such cases where the Justices of the Supreme Judicial Court are authorized by the laws of this Government now in force, to sentence any persons convicted before them of any offence, to hard labour in the house of correction as aforesaid, it shall and may be lawful for the Justices of the same Court, at their discretion, to sentence all such convicts to hard labour generally, for and during the term only for which they might have been sentenced to be confined to hard labour in the house of correction, before the making of this act, and for that purpose to order them to be removed to *Castle Island*, in the harbour of *Boston*, or such other place as shall be by law provided.

Justices of the Supreme Judicial Court authorized to sentence at discretion, in certain cases.

And be it further enacted by the authority aforesaid, That when any person shall be hereafter convicted before the Supreme Judicial Court, of any of the offences mentioned or described in an act entitled, “An act to prevent forgery, and for the punishment of those who are guilty of the same,” passed the sixteenth of *March*, one thousand seven hundred and eighty-five, the Justices of the same Court may, in addition to, or in lieu of the pains and penalties mentioned in the same act, sentence such offenders to hard labour, for a term not exceeding seven years, upon the first conviction, fourteen years upon the second conviction, and during life upon the third conviction.

Persons convicted of forgery, may be sentenced to hard labour.

Whereas idleness is often the parent of fraud and cheating, and confinement to hard labour may be a means of reclaiming such offenders, as well as a proper punishment for such offences:

Persons convicted of frauds or cheats, may be sentenced to hard labour.

Be it therefore enacted by the authority aforesaid, That whenever any person shall be hereafter convicted before the Justices of the Supreme Judicial Court, of any gross frauds or cheats, other than those hereinbefore mentioned or referred to, the said Justices may at their discretion, in addition to, or in lieu of such pains and penalties as they may by law award and order to be inflicted upon such offenders, sentence them to be confined to hard labour for a term not exceeding seven years.

And whereas, in and by an act entitled, “An act for the establishment of a National Bank, &c”. passed March the eighth, one thousand seven hundred and eighty-two, the offences therein described, are made Felony of Death without benefit of Clergy:

Offences described in an act establishing a National Bank, how punished.

Be it therefore enacted by the authority aforesaid, That if any person shall be hereafter convicted of any of the offences therein mentioned, the Court before whom such conviction shall be had, shall not proceed to pass sentence of death upon such convict, but in lieu thereof, sentence him to hard labour for term of life, or years; to stand in the pillory, at one or more times or places, not exceeding three; to have one ear cut off; to be whipped at one or more times or places, not exceeding four times, and thirty-nine stripes at a time; to sit upon the gallows with a rope about his neck; to be branded in the forehead with the letter F; to be imprisoned not exceeding one year; to be fined at the discretion of the Court; to be bound to the good behaviour; or to any one or more of them, according to the nature and aggravation of the offence.

November 1, 1785.

1785. — Chapter 22.

[October Session, ch. 4.]

Chap. 22

AN ACT GIVING REMEDIES IN EQUITY.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in all causes brought before the Supreme Judicial Court of this Commonwealth, or before any Court of Common Pleas, to recover the forfeiture annexed to

How Courts shall make up judgment in causes bro't to recover forfeitures.

any articles of agreement, covenant, contract, or charter party, bond, obligation or other specialty, or for forfeiture of real estate upon condition, by deed of mortgage or bargain and sale with defeasance, when the forfeiture, breach, or non-performance, shall be found by jury, by the default or the confession of the defendant, or upon demurrer, the Court before which the action is, shall make up judgment therein for the plaintiff, to recover so much as is due according to equity and good conscience; but in real actions on mortgage, or bargain and sale with defeasance, the judgment shall be conditional, that if the mortgagor or vender, his heirs, executors or administrators, shall pay unto the mortgagee or vendee, his executors or administrators, such sum as the Court shall adjudge due, within two months from the time of entering up judgment, with interest, then the same mortgage, or deed of bargain and sale, shall be void and discharged, otherwise that the plaintiff shall have his writ of possession.

How judgment shall be made up in real actions, on mortgage, &c.

And be it further enacted, That all real estates conveyed or pledged by mortgage, or bargain and sale with defeasance, shall be redeemable by the mortgagor or vender, his heirs, executors, administrators or assigns, on paying the monies borrowed thereon, with interest, or performing the condition on which the same was mortgaged or conveyed, deducting the rents and profits, the mortgagee or any under him, may have received over and above the repairs and improvements made by him, unless the mortgagee, or person claiming under him, hath by process of law, or by open and peaceable entry, made in the presence of two witnesses, taken actual possession thereof, and continued that possession peaceably three years.

Real estates conveyed by mortgage, &c. how redeemable.

November 4, 1785.

1785. — Chapter 23.

[October Session, ch. 5.]

AN ACT REGULATING THE ADMISSION OF ATTORNEYS.

Chap. 23

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no person shall be admitted an Attorney of any Court in this Commonwealth, unless he is a person of good moral character, and well affected to the

Persons, before
admission as
Attorneys, to
take an oath.

Constitution and Government of this Commonwealth, and hath had opportunity to qualify himself for the office, and hath made such proficiency as will render him useful therein; and no person shall be admitted to practice as an Attorney in any Court of Justice within this State, until he shall in open Court have taken and subscribed the declaration prescribed in the Constitution of this Commonwealth, and an oath, in tenor following:

Form of the
oath.

You solemnly swear, that you will do no falsehood, nor consent to the doing of any in Court, and if you know of an intention to commit any, you will give knowledge thereof to the Justices of the Court or some of them, that it may be prevented: you will not wittingly or willingly promote or sue any false, groundless, or unlawful suit, nor give aid or consent to the same; you will delay no man for lucre or malice; but you will conduct yourself in the office of an Attorney within the Courts, according to the best of your knowledge and discretion, and with all good fidelity, as well to the Courts as your Clients.

So help you GOD.

Parties may
plead and man-
age their own
causes person-
ally.

And it is enacted, That the parties may plead and manage their own causes personally, or by the assistance of such counsel as they shall see fit to engage; but the plaintiff or plaintiffs in any suit, shall not be allowed to manage their cause by more than two Attorneys, nor shall any defendant be allowed to employ a greater number.

November 4, 1785.

1785. — Chapter 24.

[October Session, ch. 6.]

Chap. 24

AN ACT FOR THE SUPPRESSION OF LOTTERIES.

Penalty for set-
ting up any lot-
tery.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person or persons shall undertake, or set up any lottery for money, or expose to sale, or dispose of any estate, real or personal, by way of Lottery, within this Government, whether the estate so proposed to be disposed of, be in this Commonwealth, or any other place, every person so offending shall forfeit and pay the sum of *Two hundred pounds.*

And be it further enacted by the authority aforesaid,

That if any person or persons shall be aiding or assisting in any such Lottery, by printing, writing, or in any other manner publishing an account thereof, or where the tickets may be had, every such person shall forfeit and pay the sum of *One hundred pounds*.

Penalty for aiding and assisting in any lottery.

And be it further enacted by the authority aforesaid, That every person who shall sell, give, or otherwise dispose of any such lottery ticket, shall forfeit and pay the sum of *Fifty pounds*, for each ticket so sold, given or disposed of; and every person who shall receive or purchase any such lottery ticket, shall forfeit and pay the sum of *Twenty pounds*, for every ticket so received, or purchased. — The said several forfeitures to be and enure, one moiety to the use of this Government, and the other moiety to the use of him or them that will sue for the same, by action of debt in any Court of Common Pleas, within the Government.

Penalty for disposing of, receiving or purchasing any ticket.

Provided nevertheless, That nothing in this act shall be construed to extend to any Lottery, or the tickets of any Lottery, established, permitted or allowed, or that hereafter may be established or allowed by the Legislature of this State, or of any of the United States, or by the United States in Congress assembled.

Proviso.

November 8, 1785.

1785. — Chapter 25.

[October Session, ch. 7.]

AN ACT FOR REGULATING THE EXPORTATION OF TOBACCO AND BUTTER, AND THE WEIGHT OF ONIONS IN BUNCHES AND THE SIZE OF LIME CASKS. Chap. 25

Whereas considerable quantities of Tobacco are or may be raised in this Commonwealth, which if examined and subjected to proper regulations, might be made an article of export:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of *January* next, no Tobacco shall be shipped or exported from this Commonwealth, but such only as shall have been inspected, and found to be well cured, and fit for foreign markets, and packed in straight casks: — said casks shall be four feet four inches in length, and two feet seven inches diameter at the head, containing not

No tobacco to be exported, but such as shall be inspected.

less than nine hundred, and not more than fourteen hundred pounds weight each; or if packed in half casks, to contain not less than four hundred, nor more than six hundred pounds weight in each, unless such casks of Tobacco shall appear to have been inspected and marked agreeably to the laws of some other State.

Governor and
Council to ap-
point inspectors.

And be it further enacted, That the Governor, by and with the advice of Council, be, and is, hereby empowered to appoint in such seaport, and other exporting towns within this Commonwealth, as there shall be occasion, one or more skilful and disinterested person or persons, to be Inspectors of Tobacco that shall be exported from this Commonwealth, who shall be sworn to the due and impartial execution of their trust; and their duty shall be to inspect all Tobacco that shall be intended to be laden on board of any vessel for foreign exportation, or that shall be intended to be transported by land or water, to either of the United States; and every such Inspector is hereby required and authorized, to open the casks containing the said commodity, intended to be exported as aforesaid, and inspect it, in four equal divisions; *that is to say*, they shall take the cask from the Tobacco, and with an iron bar, or other instrument, lift one quarter, and then go through the whole, until it shall be examined in four different parts, and see that it be properly dry, well cured, not rotten, or damaged, and of the weight, and packed in such casks, as are beforementioned; and such part as appears to be damaged, or rotten, or unfit for exportation, shall be burned; and on every cask containing the said quantity which by such inspection shall, according to the Inspector's best judgment, appear to be well cured and not rotten or damaged as aforesaid, — he shall mark or impress with a burning-iron, the letters A. P. with the name of the town where it shall be thus approved, the name of said Inspector at large, and the letter I. at the end thereof, denoting that the same has been inspected and approved.

Inspectors' duty.

And whereas large quantities of Butter are made in, and exported from this Commonwealth, which for want of due examination, and proof of its fitness, is diminished in its value at foreign markets:

Be it therefore enacted by the authority aforesaid, That from and after the first day of *January* next, no Butter shall be shipped or exported out of this Common-

No butter to be
exported unless
proved & found
to be of a good
quality.

wealth, but such as shall have been proved, and found to be well wrought, of a good quality and fit for foreign exportation, and packed in well seasoned casks or firkins, containing fifty pounds each, or in half firkins, containing twenty-five pounds each.

And be it further enacted, That the Governor by and with the advice and consent of Council, be, and he is, hereby empowered to appoint in such seaport towns, within this Commonwealth, as there shall be occasion, one or more skilful and disinterested person or persons, to be Provers of Butter in firkins, who shall be sworn to the due and impartial execution of their trust: and their duty shall be to inspect, and prove all Butter in firkins, that shall be intended to be laden on board any vessel for foreign exportation; and every such Prover is hereby authorized to open the casks or firkins, containing the said commodity, intended to be exported as aforesaid, and with an hollow iron-searcher, shall from one side of the head of said casks or firkins, perforate diagonally to the other head, and thereby draw out so much Butter as shall determine the quality of the whole; and see that it be preserved with a due proportion of good fine salt, sweet and in all respects fit to be exported, without danger of spoiling, to any foreign market. And every firkin containing the said quantity, which by such proof and inspection shall, according to the Prover's best judgment, appear to be good and merchantable as aforesaid, shall by him be marked or impressed with a burning-iron, with the letters A. P. and with the name of the town where it shall be thus approved, and the name of the Prover at large.

Governor and Council to appoint provers of butter.

Their duty.

And be it further enacted, That if the owner of any Tobacco or Butter, or any other person employed by him, shall presume to lade or put on board any vessel bound to any port without the Commonwealth, any Tobacco or firkin Butter, other than such as shall have been approved by an Inspector or Prover, and contained in casks or firkins not having the aforesaid marks, stamps or brands; or if any master of a ship or other vessel, or other officer or mariner, shall receive on board any such, the offender or offenders shall incur the penalty of *Ten pounds* for each cask of Tobacco, and *Two pounds* for each firkin of Butter so shipped, to be sued for, and recovered in any Court of Record within this Commonwealth, proper to try the

Penalty for presuming to lade or put on board any vessel, tobacco or butter not approved.

Justices of the Peace may issue warrants for the seizure of such tobacco or butter, so shipped.

Penalty for shifting the contents of any cask after being inspected.

Inspectors or provers, guilty of neglect of duty.

Penalty.

Persons not appointed, presuming to mark casks.

Penalty.

Casks or firkins before any tobacco or butter be put therein to be weighed.

same ; and all such Tobacco and Butter, laden or received on board as aforesaid, shall be forfeited. And it shall be lawful for any Justice of the Peace, upon information given of any Tobacco or Butter, put on board any such ship or other vessel as aforesaid, not duly marked or branded, to issue his warrant directed to the Sheriff, his Deputy, or a Constable, requiring them respectively to make seizure of any such Tobacco or Butter, shipped and not marked as aforesaid, and to secure the same in order for trial ; and such officers are hereby respectively directed and empowered to execute the same.

And be it further enacted, That if after any cask or firkin containing Tobacco or Butter, shall have been approved and stamped with the Inspector's or Prover's marks, stamps or brands as aforesaid, any Cooper or other person shall presume to shift the contents of such casks or firkins, and put therein any Tobacco or Butter, that hath not been duly inspected, proved and approved as aforesaid, such Cooper, or other person so offending, shall forfeit and pay the sum of *Five pounds*, for every cask of Tobacco, and *Twenty shillings* for every firkin of Butter, so shifted, to be recovered in manner as aforesaid.

And be it further enacted, That in case any Inspector or Prover, appointed and sworn as aforesaid, shall be guilty of any neglect or fraud, in inspecting or proving any Tobacco or Butter, contrary to the true intent and meaning of this act, or shall mark with their respective brands or stamps, any cask containing Tobacco or Butter, which they have not actually and thoroughly inspected or proved, and which may be intended for exportation out of this State, he or they shall forfeit and pay the sum of *Five pounds*, for every such neglect, or for every cask so falsely marked, to be recovered as aforesaid.

And be it further enacted, That if any person or persons, not appointed and sworn as aforesaid, shall presume to mark or brand any casks of Tobacco or Butter, as above described, he shall incur the abovesaid penalty of *Five pounds*, for every cask so marked or branded, to be recovered as aforesaid.

Be it further enacted, That each cask or firkin before any Tobacco or Butter be packed therein, shall be weighed by the owner of such Tobacco or Butter, who shall with a marking-iron, mark on one of the heads thereof, the full weight of the cask and the initial letters

of his name: and in case he shall falsely mark the same, such owner, upon conviction thereof, shall forfeit and pay the sum of *Three pounds*, for each cask so falsely marked.

And be it further enacted, That the respective Inspectors shall be paid for every cask of Tobacco, they shall inspect and prove as before directed, *one shilling and six pence*, provided the number doth not exceed four, and *one shilling* for each cask exceeding that number. And the respective Provers shall for every firkin by them examined and proved, as before directed, be paid *four pence*, provided the number doth not exceed six; and *two pence* for each, exceeding that number; both Inspectors and Provers fees, to be exclusive of cooperage, and to be paid by the shippers.

Inspectors and
Provers fees.

And be it further enacted, That no vessel on board which any Tobacco in casks, or Butter in firkins, shall be shipped for exportation, shall be cleared out by the Naval officer, until the master or owner shall have produced a certificate or certificates, from an Inspector or Prover appointed and sworn as aforesaid, that said articles have been by him inspected and proved as this act directs; which certificates shall be granted free from any expence; and the said master shall swear that the manifest by him presented, to the best of his knowledge, contains the whole of the cargo on board of his vessel, and that he will not take any more on board without clearing the same.

No vessel with
tobacco or but-
ter on board,
shall be cleared
out, until a cer-
tificate is pro-
duced from an
Inspector or
Prover.

And be it further enacted, That all penalties and forfeitures, arising by force and virtue of this act, shall be one moiety thereof to the use of this Commonwealth, and the other moiety to him or them who shall inform and sue for the same.

Forfeitures how
applied.

And whereas great quantities of Onions are raised in and exported from this Commonwealth, in bunches: to prevent frauds by diminishing the usual weight of said bunches of Onions,

Be it therefore enacted by the authority aforesaid, That from and after the first day of *August* next, no Onions, in bunches, shall be shipped or exported out of this Commonwealth, unless they weigh as follows, viz. Rare-ripes (so called) two and half pounds, and Onions from the seed, three and half pounds per bunch.

No onions in
bunches to be
exported unless
they weigh as
this act speci-
fies.

And be it further enacted, That the selectmen of each town where such Onions shall be shipped, are hereby

Selectmen
directed to ap-
point persons to
weigh onions.

Such persons to
be sworn.

Their fees.

Persons pre-
suming to ex-
pose for sale
onions not
weighed.

Forfeiture.

Size of lime
casks regulated.

authorized and directed to appoint some suitable person or persons to weigh the same, and give certificates of the weight; which person or persons so appointed, shall be sworn to the faithful performance of his or their duty, and shall receive, as fees, *eight pence* for every hundred bunches so weighed and certified, for any quantity not exceeding five hundred bunches, and *four pence*, for a greater quantity; said fees to be paid by the purchaser.

And be it further enacted, That if any person or persons shall, after the passing of this act, presume to expose for sale within this Commonwealth any Onions in bunches, without first having them weighed as aforesaid, and having obtained a certificate of the same, according to the true intent and meaning of this act, he shall forfeit the same, one moiety thereof to and for the use of the poor of the town where they may be exposed to sale, the other moiety to him or them who shall inform of the same; and the selectmen of such town, or the major part of them, are hereby authorized and empowered to seize the same, and sell them at public auction, and to account with the overseers of the poor of such towns for the net proceeds of one moiety thereof, and the other to said informant.

And to prevent frauds by reducing the size of lime casks, *Be it therefore enacted by the authority aforesaid*, That from and after the first day of *March* next, no casks of lime offered for sale within this Commonwealth, shall contain less than one hundred gallons of merchantable lime; and whosoever shall sell, or offer for sale, any casks of lime, containing less than one hundred gallons of merchantable lime as aforesaid, shall, upon information, be convicted before any Court of Record proper to try the same, and thereupon forfeit the whole of said property, one moiety thereof to and for the use of the poor of the town where such property was exposed for sale, the other moiety to and for the use of him or them who shall inform of the same.

November 8, 1785.

1785. — Chapter 26.

[October Session, ch. 8.]

Chap. 26 AN ACT TO PREVENT THE DESTRUCTION OF THE FISH CALLED ALEWIVES, IN THEIR PASSAGE UP THE RIVERS AND STREAMS IN THE TOWN OF KINGSTON, IN THE COUNTY OF PLYMOUTH.

Preamble.

Whereas it is necessary for the preservation of the fish called alewives, in their passage up the rivers and streams

in the town of Kingston, into the ponds at the head of those streams, that the committee hereafter to be appointed in the said town, to see that the passage ways for the said fish be not obstructed, should have authority given them for the purposes aforesaid:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the town of Kingston shall be, and they are hereby empowered and directed, at their meeting in March, annually, to choose three or more persons, to see that the laws respecting the passage ways for the said fish be observed; and each person so chosen shall take an oath faithfully to discharge the duties required of him by law; and the committee of the said town shall meet together annually, on or before the tenth day of April, at such time and place as the person first chosen by the said town shall appoint; the meeting to be by him duly notified: and the major part of the committee present at such meeting, are hereby authorized and empowered to order the time, places, and manner, in which the said fish may be taken. And the said committee, or the major part of them, shall have power to cause the natural course of the streams through which the said fish pass, to be kept open and without obstruction, — to remove any such as may be found therein, and to make the passage ways wider or deeper, if they shall find it necessary; and the committee, or either of them, paying a reasonable consideration therefor, if required, shall have authority for those purposes, to go on the land of any person through which such stream runs, without being considered as trespassers; and any person who shall molest or hinder the said committee, or either of them, in the execution of the business of his or their office, or shall obstruct any passage way in such river or stream, otherwise than may be allowed by such committee, he or they shall forfeit a sum not exceeding Fifty pounds, nor less than Ten pounds.

And be it further enacted by the authority aforesaid, That the said committee, or the major of them present at any meeting, duly notified, being not less than three in number, shall be, and they are hereby authorized and empowered, to open any dam, or sluice of any mill, erected, or that may be erected, on or over any such river or stream, at the expence of the owner or owners of such

Town of Kingston empowered to appoint a committee annually, to see that the laws respecting alewives be observed.

Their powers.

Committee empowered to open any dam or sluice — provided.

Time such dam
or sluice shall
continue open.

dam, provided such owner or owners shall neglect to open the same, when thereto required by the said committee, or such major part of them as aforesaid; and the dam or sluice so opened, shall continue open to such depth and width as the committee, or the said major part, may judge necessary, from the tenth day of *April* to the first day of *June*, in every year, if the major part of the said committee judge necessary; and in case any person or persons shall obstruct the passage ways allowed or ordered by the said committee, or such major part of them, in any dam or sluice, such person, so offending, shall forfeit and pay a sum not exceeding *Fifty pounds*, nor less than *Ten pounds*.

And be it further enacted by the authority aforesaid, That if any person or persons shall take any of the said fish, on any day, or in any place, or in any manner, other than shall be allowed by the said committee as aforesaid, each person so offending shall forfeit and pay a sum not exceeding *forty shillings*, nor less than *ten shillings*.

Penalty for tak-
ing fish on any
day other than
shall be allowed.

And be it further enacted by the authority aforesaid, That if the committee aforesaid, or either of them, shall detect any person or persons attempting to take any of the said fish, on any day, or at any time, or any place, or in any manner, otherwise than is allowed by the said committee, and shall find such fish with such person or persons, such person or persons shall be deemed to have taken the said fish, and be subject to the penalties of this act, accordingly, unless such person or persons can make it appear that they came by the said fish some other way.

Committee to
agree upon cer-
tain days in the
week when fish
shall be taken.

And be it further enacted by the authority aforesaid, That the committee to be chosen as aforesaid, shall agree upon certain days in the week when said fish shall be taken, and also upon certain parts of said stream where said fish may be taken, to be particularly marked and bounded, and shall notify the inhabitants thereof, by posting up notifications in two public places in said town of *Kingston*, within ten days after their being chosen and appointed as aforesaid.

Penalties, how
recovered and
applied.

And be it further enacted by the authority aforesaid, That all the penalties incurred by the breach of this act, may be sued for and recovered in any Court in the county of *Plymouth* proper to try the same; and all sums so recovered as forfeited by this act, shall be appropriated

one moiety thereof to the prosecutors, and the other moiety for the poor of the said town. And no person, by reason of his being one of the said committee, shall be thereby disqualified from being a witness in any prosecution for breach of this act.

November 8, 1785.

1785. — Chapter 27.

[October Session, ch. 9.]

AN ACT FOR NATURALIZING PAUL BELTREMIEUX.

Chap. 27

Whereas Paul Beltremieux, late of Rochelle, in the Kingdom of France, and now residing in Newburyport, in the county of Essex, and Commonwealth aforesaid, hath petitioned the General Court that he may be naturalized, and be thereby entitled to all the rights, liberties and privileges of a free citizen of this Commonwealth:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Paul Beltremieux, upon his taking the oaths of allegiance and adjuration required by the constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged, and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he, the said Paul had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

Naturalization.

And be it further enacted by the authority aforesaid, That the Justices before whom the said oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of this Commonwealth.

November 22, 1785.

1785. — Chapter 28.

[October Session, ch. 10.]

AN ACT FOR THE MORE EFFECTUALLY PREVENTING OF TRESPASSES IN DIVERS CASES.

Chap. 28

Whereas evil minded persons, in various instances, have committed trespasses upon the property and possessions of others: And whereas the remedy provided, and penalties annexed by the common law, to the commission of such offences, have been found insufficient to prevent them:

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority

of the same, That if any person shall cut down, destroy or carry away any tree or trees whatever, placed or growing for use, shade or ornament; or any timber, wood or underwood, standing, lying or growing on land not his own, not having the consent of the owner thereof; or shall throw down or open any bars or gates, fence or fences, and leave the same down or open; or shall injure, mar or deface any fence or fences, belonging to, or enclosing lands not his own; or shall dig up or carry away any stones, ore, gravel, clay, sand, turf or mould, roots, fruit or plants; or cut down or carry away any sedge, grass, hay or corn, wherein he hath no interest, standing, lying, or being on any land not his own; or shall take or carry away from any wharf or landing place, whereof he is not a proprietor or owner, any goods whatever, wherein he hath no interest, without the leave of some person who has interest therein; or shall break the glass, or any part of it, in any building not his own; the person so offending, shall forfeit and pay for each tree or stick of timber so cut down, destroyed or carried away, and for each and every other offence, a fine not less than *five*, nor more than *forty shillings*, to the use of the Commonwealth, to be recovered on complaint before any Justice of the Peace in the county where the offence shall be committed, and shall be liable to answer in damages to the party injured.

Penalty for committing any trespass.

Penalty for wilfully destroying any mile-stone or public monument.

And be it enacted by the authority aforesaid, That if any person shall wilfully break, deface or destroy any mile stone or public monument, unless properly authorized so to do, the person so offending shall forfeit and pay for each offence, a fine not less than *forty shillings*, nor more than *Fifteen pounds*, to the use aforesaid, to be recovered on indictment before the Court of General Sessions of the Peace in the county where the offence shall be committed, and be further liable to answer in damages as aforesaid.

Penalty for committing secretly or in the night, any offences described in this act.

And be it further enacted, That any person who shall commit any of the offences abovementioned, secretly, in the night time, or in disguise, shall forfeit and pay a fine to the use of the Commonwealth, not less than *Three pounds* nor more than *Twenty pounds*, for each offence, to be recovered on indictment in manner above provided, and be liable to answer damages as aforesaid; and if any person on being indicted and sentenced to pay any of the fines aforesaid, shall be unable to pay the same, the Court passing sentence, may order such person to be publicly

whipped, not exceeding twenty stripes, or be imprisoned not exceeding ninety days, and to find sureties for his good behaviour for the term of one year.

And be it enacted by the authority aforesaid, That when any trespasses shall be committed on any buildings or inclosures belonging to any county, town or parish, the county, town and parish Treasurer, for the time being, shall be, and hereby are severally authorized to sue for the damage done to the public buildings or enclosures of their county, town or parish, respectively; and where any public buildings are owned partly by the town and partly by the county, in that case, the county or town Treasurer, whoever may first institute an action, may prosecute for damages thus sustained.

Trespasses committed on any public buildings, damages how recovered.

Provided nevertheless, That nothing in this act shall prohibit any surveyor of highways moving any incumbrances in any public way, nor be construed to prevent any prosecution for theft, where a theft is committed.

Proviso.

November 23, 1785.

1785. — Chapter 29.

[October Session, ch. 11.]

AN ACT FOR REPEALING CERTAIN PARTS OF AN ACT, ENTITLED, *Chap. 29*
 “AN ACT FOR REGULATING PILOTAGE IN SEVERAL PORTS IN THIS COMMONWEALTH,” AND FOR OTHERWISE REGULATING THE PILOTAGE OF THE PORT OF NEWBURYPORT.

Whereas the provisions made for regulating the pilotage for the port of Newburyport, have been found insufficient to answer the purposes intended:

Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That so much of an act passed the eleventh day of July, one thousand seven hundred and eighty-three, entitled, “An act for regulating pilotage in several ports in this Commonwealth,” as relates to the appointing and regulating of pilots and pilot boats for the port of Newburyport, be, and it is hereby repealed.

Part of a former act repealed.

Be it further enacted by the authority aforesaid, That from and after the first day of January, one thousand seven hundred and eighty-six, no person shall undertake to pilot any vessel into or out of the river Merrimack, drawing nine feet of water, or more, (coasters and fishing vessels excepted) without having first obtained a commission or branch, as is herein after provided.

No person shall pilot any vessel, without having a commission or branch.

Governor and Council to commission a suitable person.

Be it further enacted, That whenever any person shall obtain from the Marine Society of *Newburyport*, a certificate signed by their clerk, that in their opinion, or in the opinion of the major part of the members of said Marine Society, he is capable and suitable to undertake the business of pilotage into and out of the river *Merrimack*, the Governor, with advice of Council, be, and he is hereby empowered to grant to such person a commission or branch for him to exercise said business as aforesaid, and the same to demand and recall whenever said Marine Society, or the major part of them, shall certify by their clerk that the said person is rendered incapable or improper to be continued in said business.

Person commissioned, to give bond.

Be it further enacted, by the authority aforesaid, That before any person shall receive such commission or branch, he shall give bond, with sufficient surety, to the Treasurer of this Commonwealth, in the sum of *One hundred pounds*, conditioned that he will give up said commission or branch whenever it shall be demanded as aforesaid.

Persons piloting without being commissioned, not entitled to any fee.

Be it further enacted, That if any person other than one having obtained a commission or branch, as is herein before provided, shall presume to pilot a vessel contrary to the meaning of this act, he shall not be entitled to any fee for the same, and shall further be liable to pay any damages that may accrue in consequence of his undertaking so to pilot such vessel, to be recovered by the owner, assignee or master of said vessel, in an action on the case, to be brought before any Court proper to try the same.

November 23, 1785.

1785. — Chapter 30.

[October Session, ch. 12.]

Chap. 30

Naturalization.

AN ACT FOR NATURALIZING WILLIAM BOND.

Whereas William Bond, late of Devonshire, in Great Britain, goldsmith, now residing at Falmouth, in the county of Cumberland, and Commonwealth of Massachusetts, has petitioned the General Court that he may be naturalized, and be thereby entitled to all the rights, liberties and privileges of a free citizen of this Commonwealth:

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority

of the same, That the said *William Bond*, upon his taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace of the county where he dwells, shall be deemed, adjudged, and taken to be a free citizen of this Commonwealth, to all intents, constructions and purposes, as if he, the said *William*, had been an inhabitant of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

And it is further enacted, That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be entered in a book to be kept for that purpose.

November 23, 1785.

1785. — Chapter 31.

[October Session, ch. 13.]

AN ACT REPEALING IN PART AN ACT, ENTITLED, "AN ACT FOR THE REGULATION OF NAVIGATION AND COMMERCE." *Chap. 31*

Whereas some of the restrictions laid upon foreigners, indiscriminately, by the act for regulating navigation and commerce, are found in some instances to militate with the principles of reciprocity which ever ought to be adopted in commercial regulations: Preamble.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That from and after the passing of this act, the several clauses contained in the before recited act, which impose a duty of tonnage on all foreign vessels, which subject the goods imported in foreign vessels to the payment of double duties, and which confine the unloading of goods from any foreign vessel, to the ports of *Boston, Falmouth, and Dartmouth*, except so far as is hereafter provided, be, and they are hereby repealed. Part of a former act repealed.

Provided, That the duty of light money required of all foreigners, shall be *one shilling and ten pence* per ton, in addition to the light money paid by the subjects of the United States, and no more. Proviso.

Provided always, That the act aforesaid, and every clause thereof, which respects foreigners and their property, shall be construed to be in full force against the subjects of the King of *Great Britain*, and the property of such subjects.

November 29, 1785.

1785. — Chapter 32.

[October Session, ch. 14.]

Chap. 32 AN ACT DECLARING VOID CERTAIN PRETENDED JUDGMENTS GIVEN IN THE TOWN OF *BOSTON*, BETWEEN THE NINETEENTH DAY OF *APRIL*, IN THE YEAR OF OUR LORD, ONE THOUSAND SEVEN HUNDRED AND SEVENTY-FIVE, AND THE SEVENTEENTH DAY OF *MARCH* NEXT FOLLOWING.

Preamble.

Whereas between the nineteenth day of April, in the year of our Lord, one thousand seven hundred and seventy-five, and the seventeenth day of March next following, and whilst the town of Boston was in the possession of the British troops, and the impartial administration of justice was obstructed, certain pretended judgments were rendered against divers persons who had left the said town, and sought the protection of their country; and such proceedings have been had thereon as may greatly vex and injure many good citizens of this Commonwealth, unless the same be declared null and void:

Pretended judgments rendered null and void.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all such pretended judgments rendered in the town of Boston between the nineteenth day of April, in the year of our Lord, one thousand seven hundred and seventy-five, and the seventeenth day of March next following, by any persons pretending to constitute any Superior Court of Judicature, Court of Assize, or Court of General Goal Delivery, or Inferior Court of Common Pleas for the county of Suffolk, and which have not been heretofore provided against by law, and all proceedings had thereon, or by the authority of the same, be, and hereby are declared to be null and void, and shall be so deemed, taken and known. November 29, 1785.

1785. — Chapter 33.

[October Session, ch. 15.]

Chap. 33 AN ACT IN ADDITION TO AN ACT MADE IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND SEVENTY TWO, ENTITLED, "AN ACT TO PREVENT THE DESTRUCTION OF OYSTERS, IN *CHARLES AND MISTICK RIVERS*."

Oysters in Charles and Mistick Rivers.

Whereas the provision made in the said act is found to be insufficient effectually to prevent the destruction of oysters in the said rivers, and some other provision is necessary in order to preserve the same:

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That if any person or persons shall presume to take oysters out of either of the said rivers, from and after the first day of January, one thousand seven hundred and eighty-six, with drags or drag-nets, or by any other ways and means other than with oyster tongs, as hath been usually practiced in the said rivers, he or they so offending, shall forfeit and pay for every such offence, not less than Five nor more than Thirty pounds, to be sued for and recovered by an action of debt in any Court in either of the counties of Suffolk or Middlesex, proper to try the same, or by presentment by the Grand Jury in either of the said counties; and all fines and forfeitures recovered by virtue of this act, shall be one moiety thereof to him or them who shall inform, sue for, and recover the same, and the other moiety to the use of the poor of the town where the offence shall be committed.

November 29, 1785.

1785. — Chapter 34.

[October Session, ch. 16.]

AN ACT TO SET OFF PART OF THE TOWN OF IPSWICH, AND TO ANNEX IT TO THE TOWN OF ROWLEY. *Chap. 34*

Whereas it appears reasonable that Moses Bradstreet, and others, on the northeasterly part of Ipswich, should be set off from said town of Ipswich, and annexed to the town of Rowley: Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That all that part of said town of Ipswich that lies within the lines hereafter mentioned, beginning on the line between Rowley and Ipswich, at a certain fence between land of Nathan Lambert and land of John and Timothy Harris, running easterly, as the fence now stands, till it comes to a ditch in the marsh, and by said ditch till it comes to Rowley River; thence northeasterly by said river till it comes to the line between Ipswich and Rowley; thence by said line till it comes to the bound first mentioned, with the inhabitants thereon, shall be, and hereby are set off from the town of Ipswich, and annexed to the town of Rowley. Part of Ipswich set off.

Proviso.

Provided nevertheless, The proprietors of the lands set off from the town of *Ipswich* as aforesaid, shall be held to pay to the Treasurer of the said town *Sixty-five pounds*, in full of all demands, according to agreement.

November 29, 1785.

1785. — Chapter 35.

[October Session, ch. 17.]

Chap. 35 AN ACT FOR ESTABLISHING A TOLL FOR THE PURPOSES OF REPAIRING AND MAINTAINING THE GREAT BRIDGE OVER THE RIVER *PARKER*, IN THE TOWN OF *NEWBURY*, AND COUNTY OF *ESSEX*.

Preamble.

Whereas the lottery granted by an act passed in the year of our Lord, one thousand seven hundred and eighty-two, hath not raised a sum of money sufficient to repair the said bridge, and it is necessary that other means should be provided for the said purpose:

Toll granted
& rates
established.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That a toll be, and hereby is granted and established for the purposes of repairing and maintaining the great bridge over the River Parker, in the town of Newbury, and county of Essex, to be paid by the passengers over the said bridge according to the rates following, viz. For each foot passenger, two thirds of a penny; for one person and horse, two pence and two thirds of a penny; for each single horse, cart, sled or sley, with one driver, four pence; for each chaise, chair or sulkey, with the travellers therein, eight pence; for each coach, chariot, phaeton or curricule, with the travellers therein, one shilling; for each other wheel-carriage or sled, drawn by more than one beast, and having but one driver, six pence; for neat cattle and horses, not rode, nor in teams or carriages, one penny and one third of a penny each; and for swine and sheep, four pence for each dozen; and after the same rate for a greater or less number; and in all cases the same toll shall be paid for each carriage, vehicle and team, whether loaded or not loaded; and no tolls shall be demanded upon the Lord's days.

Trustee appointed to
manage &
receive toll, &c.

And be it further enacted by the authority aforesaid, That Mr. Moses Hoyt be, and he hereby is appointed trustee to manage and receive said toll, and therewith to repair such parts of said bridge as yet do or may hereafter need it; and he and his successors, (to be appointed as hereafter directed) upon his and their giving bond, with

To give bond.

sufficient surety, in the opinion of the Justices of the Court of Sessions for the county aforesaid, for the faithful discharge of the duties of office of trustee as aforesaid, are hereby authorized and empowered to erect and keep up during said term, a gate across said bridge; to agree with and appoint, from time to time, a suitable person to attend the same and receive said toll, and to take his security to him and his successors, that he will faithfully attend his duty at said gate such hours as shall be agreed on between them to receive said toll, and permit travellers to pass, and that he will account with him or his successors, upon oath, if required, and pay him or them, weekly, all monies received by said toll; and said trustee may build a shop or shed at or near said gate, to accommodate and employ the toll gatherer; and if said toll gatherer shall neglect attendance at the hours agreed upon by him and the said trustee, or refuse to open the gate for travellers to pass, on tender of the lawful toll, or shall receive or demand a greater toll in any case than is appointed by this act, he shall forfeit and pay the sum of *twenty shillings*, to be recovered, with costs, by action of debt, before any Justice of the Peace in and for the said county, by any person that will sue for the same; and if any person shall pass or attempt to pass through said gate by force, and without paying the lawful toll, he shall forfeit a like sum of *twenty shillings* to the toll gatherer, to be recovered in like manner, and be moreover liable to be prosecuted for the offence at common law; but at all times when the toll gatherer shall not attend, the gate shall be left open.

And be it further enacted by the authority aforesaid, That the Court of General Sessions of the Peace, in and for the said county of *Essex*, be, and hereby are authorized and empowered to appoint, from time to time, during the term hereafter mentioned, some other person as trustee for the purposes aforesaid, in cases of death, removal out of the county, or resignation of any trustee, or for other sufficient cause in the judgment of said Court; and shall, from time to time, require the trustee appointed by this act, or his successors, to render his or their account, upon oath, annually, in the month of *September*, of all monies received by said toll, and of his or their expences of repairing said bridge, and may order any sum (if any there may be remaining in his or their hands at the end, or at any time before the end of said term,

Empowered to erect a gate & appoint a person to attend & receive toll.

Penalty for toll-gatherers neglect of duty.

Penalty for attempting to pass without paying toll.

Court of Sessions authorized to appoint a trustee in case of death, &c.

Trustee to give an account of all monies received, annually.

more than sufficient for the then necessary repairs of said bridge) to be paid into the treasury of said county, and to be let out by the county Treasurer at interest, and to be appropriated by order of said Court, from time to time, as there may be occasion, to the repairing of said bridge, and to no other use whatever. And any trustee, for the time being, who shall refuse or neglect to account or pay over as aforesaid, when required as aforesaid, shall forfeit and pay for each offence, the sum of *Fifty pounds*, to be sued for and recovered by the Treasurer of said county, with costs, by action of debt, in any Court proper to try the same; and said forfeitures, when recovered, shall be appropriated by order of said Court for the repairs of said bridge; and said Court may also proceed against any trustee for his refusal or neglect to account or pay over as aforesaid, when duly required, by way of attachment, as for a contempt.

Trustees refusing to account.

Penalty.

Trustee for the time being, may demand and sue for any monies due from a former trustee.

And be it further enacted, That the trustee of said bridge, for the time being, may, by the name of the trustee of *Parker River* bridge, in *Newbury*, in the county of *Essex*, demand of, and, if need be, sue for and recover of any former trustee, if living, or the executors or administrators of any one deceased, any monies such living or deceased trustee may have received by said toll, and not have expended in repairs of said bridge, as for monies had and received to their use, in any Court proper to try the same, and shall be accountable for the same when received, as for other monies received by said toll; and the trustee aforesaid may borrow any sum on interest for the immediate repairs of said bridge, to be repaid out of the first monies arising from said toll.

Empowered to borrow money, on interest.

Limitation.

And be it further enacted by the authority aforesaid, That this act shall be and continue in force for and during the term of twelve years, and no longer.

November 29, 1785.

1785. — Chapter 36.

[October Session, ch. 18.]

Chap. 36 AN ACT IN ADDITION TO AND FOR REPEALING CERTAIN CLAUSES OF AN ACT, PASSED THE PRESENT YEAR, ENTITLED, "AN ACT FOR REGULATING AND GOVERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE."

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of

the same, That the third, thirtieth, thirty-fourth, and thirty-seventh enacting paragraphs of the said act, be, and they hereby are repealed.

Certain paragraphs of a former act, repealed.

And be it enacted by the authority aforesaid, That the militia of this Commonwealth be, and it hereby is formed into nine divisions: the county of *Suffolk* to form the first division; the county of *Essex* the second division; the county of *Middlesex* the third division; the county of *Hampshire* the fourth division; the counties of *Plymouth*, *Barnstable*, *Bristol*, *Dukes County*, and *Nantucket*, the fifth division; the counties of *York* and *Cumberland*, the sixth division; the county of *Worcester*, the seventh division; the county of *Lincoln*, the eighth division; and the county of *Berkshire*, the ninth division.

Militia formed into nine divisions.

And be it further enacted by the authority aforesaid, That the Governor, with the advice of Council, be, and he hereby is authorized and empowered to raise, by voluntary enlistment, in each of the aforesaid divisions, four, and where he shall judge expedient, five, companies of artillery and two troops of cavalry: That each of said companies of artillery shall consist of one captain, one captain lieutenant, one first lieutenant, two second lieutenants, four serjeants (the first of whom shall be clerk) four bombardiers to be included in rank and file, one drummer, one fifer, and forty-six privates: That each of the said troops of cavalry shall consist of one captain, two lieutenants, one cornet, four serjeants (the first of whom to be clerk) four corporals, and thirty-six privates: And that when said companies of artillery, and troops of cavalry, shall be raised as aforesaid, the Governor, with the advice of Council, be, and he hereby is authorized to form the same into regiments and brigades.

Governor and Council authorized to raise four or five companies of artillery and two troops of cavalry in each division.

To be formed into regiments and brigades.

And that due provision may be made for perfecting the said companies of artillery in the art of experimental gunnery:

Be it further enacted by the authority aforesaid, That the Governor, with the advice of Council, be, and he hereby is authorized, to order to be issued to each of the captains of the said companies of artillery, annually, a quantity of powder, not exceeding one barrel, and a due proportion of shot and other laboratory articles, to be appropriated by the said officers to the purpose above-mentioned; said captains to give their receipt therefor, and to be accountable for the expenditure of the same.

Governor and Council to order the companies of artillery to be annually furnished with ammunition.

And whereas it hath been found to be promotive of military knowledge, to encourage the formation of cadet companies, and other military corps:

Be it therefore further enacted by the authority aforesaid,

Major generals to certify to the Governor the expediency of raising cadet companies or other corps. That when any major general, commander of a division of militia in this Commonwealth shall certify to the Governor, that in his opinion it will be expedient and for the good of the Commonwealth, that one or more companies of cadets, or other corps, should be raised in his division, the Governor with advice and consent of the Council, be, and he is hereby authorized and empowered (if he judge expedient) to raise such cadet company, companies, or corps; and when any such company or corps shall be raised, they shall elect their officers in the same manner, and in the same proportion, as is provided for the election of officers of other companies and corps of militia, in this Commonwealth; and the officers so elected shall be commissioned by the Governor. *Provided always,* That no such cadet company or corps shall be raised in any of said divisions, when by means thereof, any of the standing companies within the same, would be reduced to a less number than sixty privates.

Governor and Council authorised to raise such companies. Officers how elected. Proviso.

And be it further enacted by the authority aforesaid,

Said companies or corps by whom commanded. That the said companies or corps, when raised and organized, shall be under the command of the major general of the division in which they shall be respectively formed; and shall be subject to the rules and regulations, that are already or may hereafter be provided by the legislature, or the commander in chief of the militia of this Commonwealth, for the general government of the militia.

To be subject to the same regulations as the militia.

And be it further enacted by the authority aforesaid,

Courts martial, by whom appointed. That the commander in chief shall appoint general courts martial, for the trial of all officers above the rank of captain: That the major generals, each in his own division, shall appoint general courts martial for the trial of captains, and all commissioned officers under that rank: And that it shall be the duty of every officer who shall appoint a court martial, as aforesaid, to approve or disapprove of the sentence, or sentences, of such court martial by them appointed, and no officer who shall appoint a court martial shall be president thereof; nor shall any sentence of a court martial be put in execution, 'till it shall have been approved of by the officer who appointed the same.

Sentences to be approved by the officer who appoints the court.

And be it further enacted by the authority aforesaid,
That when a general court martial shall sentence any officer to be removed from office, the court shall therein adjudge such officer incapable of holding any military commission, under this Commonwealth, for life, or for years, according to the nature and aggravation of his offence; and such sentence after being approved as aforesaid and published, shall remain in force, unless reversed by the General Court.

When officers are sentenced, the court shall adjudge them incapable of holding any commission.

And be it further enacted by the authority aforesaid,
That before any general court martial shall proceed to the trial of any cause, the judge advocate shall administer to the president, and each of the members the following oath, viz. :

The oath by whom administered, previous to trial.

You A. B. do swear, that you will well and truly try and determine, according to the evidence given you, the cause now before you, between this Commonwealth and the person to be tried: And you do further swear, that you will not divulge the sentence of this court martial, until it shall be approved or disapproved of; and that you will not on any account, at any time whatever, discover the vote or opinion of any member of the court, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you GOD.

Form of the oath.

And the president shall administer to the judge advocate the following oath, viz. :

The oath to the judge advocate by whom administered.

You A. B. do swear, that you will not on any account, at any time whatever, divulge the vote or opinion of any particular member of this court martial unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law, and that you will not disclose the sentence of this court martial, until it shall have been approved or disapproved of, by the officer who appointed the same. So help you GOD.

Form of the oath.

And be it further enacted by the authority aforesaid,
That in all cases where any non-commissioned officer shall be convicted before any Justice of the Peace, or Court of Common Pleas, of having been guilty of neglect of duty, or disobedience of orders, said non-commissioned officer shall in consideration thereof, be considered as reduced to the station of a private soldier.

Non-commissioned officers guilty of neglect or disobedience, to be reduced to private soldiers.

Adjutant General to be Inspector General of the militia.

And be it further enacted by the authority aforesaid,
That the Adjutant General of the militia of this Commonwealth shall also be Inspector General of the same.

November 29, 1785.

1785.—Chapter 37.

[October Session, ch. 19.]

Chap. 37 AN ACT FOR INCORPORATING CERTAIN LANDS IN WEST SPRINGFIELD, IN THE COUNTY OF HAMPSHIRE, INTO A COMMON FIELD.

Preamble.

Whereas Abraham Burbank, *Esq*; Gideon Mosley, Russel Leonard, Jesse M'Intire, Major Samuel Flower, George M'Intire, Reverend Sylvanus Griswold, Abraham Ripley, Justin Grainger, Austin Leonard, John Leonard, Joseph Pierpont, William Leonard, Daniel Leonard, Reverend Edward Upham, Ozias Flower, Josiah Grainger, Oliver Leonard, Preserved Leonard, Vintin Leonard, Samuel Palmer, Moses Leonard, Samuel Leonard, Enoch Cooper, David White, Abner Leonard and Gideon Leonard, have petitioned this Court, setting forth that they are the proprietors of the greatest part of a tract of land lying in said West Springfield, between Agawam Street and Feeding Hills Street, so called, that the same is light, arable land, which will not pay the expense of small inclosures, and praying that the same may be incorporated into a general field, bounded as follows:— To begin the south side of the county road, a few rods west of the dwelling house of Samuel Palmer, abovementioned, and to run north, twenty-six degrees west, to the corner of George Leonard's land, twelve rods, the east side of a twenty rod road; then to run north forty-five degrees west, on the eastward side of the twenty rod highway, and on the westward end of sundry ten acre lots, one hundred and eighty rods, to the north-west corner of a lot of land belonging to the heirs of Patrick Marshal, deceased; then to run north, eleven degrees east, sixty-six rods, to Samuel Palmer's land; then on the westwardly end of said Palmer's land on an old ditch, northwestward, fifty-four rods, to a gate near the dwelling house of Sandy Onkamore; then west, forty-one degrees north, by the south side of said Onkamore's fence, thirty-five rods; then north, eight degrees east, twenty-eight rods, to land lately owned by Mr. Kelsey, to a ditch; then partly on said ditch to run west, thirty-

Boundaries.

eight degrees north, one hundred and twelve rods; then west, twenty-six degrees north, twenty rods, on a ditch to the Old Stone Path, so called; then west, thirty-seven degrees north, on a ditch, twenty rods; then north, thirty-eight degrees west, twenty-four rods, on Preserved Leonard's fence, at Medaneage grant; then west, twelve degrees north, twenty rods; then to bound on Medaneage grant, to the west end thereof, forty-two rods; then west, thirty-five degrees south, twenty-eight rods, to a marked staddle, at the corner of a ditch; then west, twenty-five degrees north, on Preserved Leonard's ditch, sixty-two rods; then to run eighteen rods to Agawam River; then on the south-west side of said river to Abel Leonard's land, west of a deep gutter; then to run from the river, south, thirty-one degrees west, between the grants of land owned by Abel Leonard and Daniel Leonard, deceased, fifty-six rods, to George M'Intire's land; then west, three degrees north, twenty-two rods on the north side of the said M'Intire's land; then south, eleven degrees west, by said land, eighteen rods; then south, twenty-three degrees east, fifty-two rods, by said M'Intire's land; then on the northwardly side of Austin Leonard's land, partly on a ditch, seventy rods; then westward, by George M'Intire's land, sixty rods, to the north-east corner of Jonathan Loomis's land; then south, fifteen degrees east, by the said M'Intire's land, fifty-four rods, to the outward common line; then west, the south side of Jonathan Loomis's land, seventy rods, to the county road leading from Westfield to Suffield; then southwardly on the east side of said road, three hundred and sixty-seven rods and an half, to a town road near Austin Leonard's house; then to run eastward, on the north side of said road, to Ozias Flower's barn, being one hundred and twenty rods; then on the north-east side of the said town road, one hundred and fifty-four rods, a little south of the dwelling house of the Reverend Edward Upham; then east, thirteen degrees south, on a ditch, eighty-five rods; then south, thirteen degrees west, twenty-five rods on a ditch; then east, five degrees and thirty minutes south, by the north side of Benedict Bliss's land, eighty-four rods; then north, on the west end of Seargeant's land, fifty rods; then east five degrees and thirty minutes south, on the north side of Seargeant's land, one hundred and forty rods, to the inward common line: then to run north on the said line, two hundred and sixty-six rods, to a ditch at the northwest

corner of a lot of land owned by the heirs of Benjamin Leonard, deceased; then eastward, on the said ditch, thirty-four rods; then southwardly, by the said ditch, thirty-eight rods; then eastward, on the said ditch, the northwardly side of the said lot, eighty-eight rods, to a town road; then to run across the said road to the corner of land owned by Reuben Leonard, five rods; then to run eastward by the said Leonard's fence, ninety-six rods; then on a ditch, by the said Reuben Leonard's land, and George Leonard's land, fifty rods, to land of Enoch Cooper; then, by the said Cooper's land, on a ditch, sixty-four rods, to Samuel Palmer's land, at a ditch; then by the westerly side of the said Palmer's land, by his fence, one hundred and five rods, to the first mentioned bounds:

Lands incorporated.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands aforesaid, being all the lands included within the lines aforesaid, be, and they hereby are, incorporated into one common and general field; and the proprietors and owners of the said lands are hereby invested with all the powers and privileges that the proprietors of lands in general fields by law are vested withal.

Non-petitioning proprietors, not obliged to contribute to the general fence, &c.

Provided nevertheless, and be it further enacted, That none of the proprietors of lands included in the limits of the general field aforesaid, and who have not petitioned therefor, shall be obliged, as members of the said corporation or propriety, to contribute to the general fence, or be subjected to the votes of the other proprietors in regard to their lands they now own there, whenever and so long as they shall inclose and improve the same in severalty, or shall not improve and enjoy the same under the protection and security of the same common fence with the rest of the proprietors in general; anything in the foregoing paragraph to the contrary notwithstanding.

Petitioning proprietors at liberty to inclose by themselves, &c.

And be it further enacted, That each and every of the petitioning proprietors aforesaid, may be at full liberty, at any, and at all times hereafter, to inclose and improve, by themselves, any of their lands lying within the limits aforesaid, as if such act of incorporation had not been made, they maintaining their respective proportions of the general fence around the same.

November 30, 1785.

1785. — Chapter 38.

[October Session, ch. 20.]

AN ACT FOR INCORPORATING INTO A DISTINCT AND SEPARATE FIELD, A TRACT OF LAND CALLED *BALL'S SWAMP*, LYING IN THE GREAT FIELD ON THE WEST SIDE OF *CONNECTICUT RIVER*, IN THE ANCIENT TOWN OF *SPRINGFIELD*, AND BOUNDING SOUTHERLY AND EASTERLY ON *AGAIVAM RIVER*, NORTHERLY ON THE BROW OF A HILL, AND WESTERLY ON *FERRE'S LAND*, SO CALLED. Chap. 38

Whereas the proprietors of the said tract of land called Ball's Swamp as aforesaid, have represented to this Court that the said tract contains about forty acres of choice mowing land, and that the same is so peculiarly situated that it may be inclosed by itself with very little expence, saving on the west side, and that the profits of the same would be greatly increased to them by having the same incorporated into a distinct and separate field, and prayed that the same may be incorporated accordingly: Therefore, Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said tract of land called Ball's Swamp, lying and bounding as aforesaid, be, and hereby is, erected into a distinct and separate common field; and that the owners and proprietors of the lands there, be, and hereby are, invested with all such powers as the proprietors of lands lying in common fields, in this state, are in general by law invested with. Ball's Swamp incorporated.

Provided nevertheless, That if any one proprietor of lands lying in the said fields shall hereafter see fit to fence his part thereof by himself, and separate it from the said field, he shall have full liberty so to do, without contributing anything to the general inclosure of said field, and making only one-half the division fence between his land and the residue of the said field; anything in this act to the contrary notwithstanding. Proviso.

November 30, 1785.

1785. — Chapter 39.

[October Session, ch. 21.]

AN ACT FOR INCORPORATING A COMMON AND GENERAL FIELD, IN THE TOWN OF *DEERFIELD*, IN THE COUNTY OF *HAMPSHIRE*. Chap. 39

Whereas the proprietors of a tract of land in the town of Deerfield, at present inclosed as a common field, have Preamble.

petitioned that the lands aforesaid may be incorporated into a common and general field, and the proprietors thereof thereby intitled to the privileges by law granted to incorporated common fields: Therefore,

Common and
general field.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands aforesaid, being all the lands included within the common field fence in the town of Deerfield, as it now stands, be, and they are, hereby incorporated into one common and general field; and the proprietors and owners of the lands aforesaid are hereby invested with all the powers and privileges that the proprietors of lands in general fields are by law invested withal.

November 30, 1785.

1785. — Chapter 40.

[October Session, ch. 22.]

Chap. 40 AN ACT FOR INCORPORATING THE PLANTATION CALLED PEARSONTOWN, IN THE COUNTY OF CUMBERLAND, INTO A TOWN BY THE NAME OF STANDISH.

Preamble.

Whereas the inhabitants of the plantation called Pearsontown, have petitioned the General Court that they may be incorporated into a town, in order that they may enjoy like privileges with other incorporated towns in this Commonwealth: Therefore,

Boundaries.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the plantation called Pearsontown, in the county of Cumberland, bounded as follows: — Beginning at the northerly corner of Gorham, by Presumscut River; thence running up said river to the outlet of Soubago Pond; thence north-west, across said pond, six miles; thence south-west, eight miles, to Saco River; thence to run down said river adjoining the same to the westerly corner of Buxton; thence north-east, three miles and two hundred and twenty rods, to the northerly corner of said Buxton; thence south, thirty-three degrees east, to the westerly corner of Gorham; thence north-east, adjoining the head of Gorham, to the first mentioned bound, be, and hereby is, incorporated into a town, by the name of Standish; and that the inhabitants thereof be, and they are, hereby invested with all the powers, privileges and immunities, which the inhabitants of towns within this Commonwealth do or may by law enjoy.

Incorporated &
invested with
powers.

And be it further enacted, That John Deane, Esq; be, John Deane, Esq; to call a meeting.
 and he hereby is, empowered and directed to issue his warrant, directed to some principal inhabitant within said town of *Standish*, requiring him to warn the inhabitants of said town of *Standish*, qualified to vote in town affairs, to assemble at some suitable time and place in said town, to choose all such officers as towns by law are empowered and required to choose, in the month of *March*, annually, and to transact all other matters and business necessary to be done in said town.

November 30, 1785.

1785.—Chapter 41.

[October Session, ch. 23.]

AN ACT FOR ENCOURAGING THE MANUFACTURE OF LOAF SUGAR WITHIN THIS COMMONWEALTH. *Chap. 41*

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of *March* next, all loaf sugar (of foreign manufacture) that shall be imported into this Commonwealth, by water, and unloaded, shall be forfeited; and all such loaf sugar brought into this Commonwealth by land, shall also be forfeited; and any citizen of this Commonwealth may seize and secure the same for trial; and if the claimers do not make it appear on trial that the loaf sugar so seized is the manufacture of this, or some other of the United States, it shall be adjudged forfeited; one moiety thereof to his or their use who shall seize the same, and the other moiety to the use of the Commonwealth.

Importation of loaf sugar prohibited, on penalty of forfeiture.

Provided nevertheless, If any vessel, having loaf sugar on board, shall arrive in this Commonwealth in distress, and be obliged to unlade it, in order to repair the said vessel, the same shall not be forfeited, if the Captain or owner shall land it under the care of the Naval Officer, and give bonds as the law now directs in cases of vessels being in distress. Proviso.

And be it further enacted by the authority aforesaid, That all seizures of loaf sugar under this act shall be void, unless the party seizing (not being an officer duly authorized to make such seizure) shall, within twenty-four hours after such seizure, give bond, with sufficient surety, in the judgment of some Justice of the Peace within the county, to the person from whom such sugar shall be

Seizures to be void, unless the party seizing give bond.

taken, conditioned, to pay all such damages and costs as the party may be entitled to, from whom such sugar may be taken, provided the same shall not, upon due process had thereon, be adjudged forfeited.

When vessels arrive having loaf sugar on board, directions how to proceed.

Be it further enacted, That when any vessel shall arrive within any harbour or port of this Commonwealth, having on board loaf sugar not the manufacture of some one of the United States of *America*, the master of said vessel, or whoever shall make entry of her cargo at the naval office, shall, in his manifest of said cargo, include the quantity of such loaf sugar on board his said vessel, with the packages, marks and numbers of loaves, and enter them as for exportation in the same vessel; from whence it shall not be taken, unless as is before herein provided in case of distress. And it shall be the duty of the Naval Officer, previous to his granting permit to unlade the residue of the cargo on board said vessel, to take a bond of the person making the entry, with one sufficient surety, in a sum equal to four times the value of said sugar, conditioned, that the same shall not be taken out of said vessel while within any port or harbour of this Commonwealth, and that after said vessel may be cleared out, it shall not be landed in any port of this Commonwealth.

Duty of Naval Officers, previous to granting permits to unlade.

Be it further enacted, That when any vessel shall come within any port, harbour, river, creek or inlet in this Commonwealth, it shall be lawful for any Naval Officer, or any Officer of Impost and Excise, or his Deputy, to go on board said vessel, commanding assistance when it may be necessary, and to make enquiry of every circumstance relative to said vessel, her cargo and destination; and where any thing may appear to said officer unsatisfactory, he is hereby empowered to appoint one or more person or persons, to tarry on board said vessel until entry is regularly made of her cargo, or until she departs from said place.

Naval or Impost Officers authorized to go on board any vessel and make enquiry, &c.

And be it further enacted by the authority aforesaid, That the excise of *half a penny* on a pound, imposed on all brown sugars consumed in this Commonwealth, shall be remitted to all sugar boilers or refiners of sugar, upon such brown sugars as shall be by them refined and manufactured into loaf sugar, within this Commonwealth; and the said sugar refiners shall make oath to the quantity of brown sugar, so manufactured and refined by them, when they shall be called upon to settle their accounts with the Collectors of Excise.

Excise remitted on brown sugars refined by sugar boilers.

Be it likewise enacted by the authority aforesaid, That all loaf sugar manufactured within this Commonwealth which is to be exported by water, shall, previous thereto, be inspected by some person appointed by the Governor and Council, who shall receive *two pence* by the hundred, for a thousand weight, and *three pence* an hundred for a smaller quantity; and a certificate shall be returned by the inspector to the Collector, certifying that the loaf sugar so to be exported is good and merchantable; and on such certificate being produced, the manufacturer or owner, of such loaf sugar, giving bond as the law now directs on the exportation of excised articles, shall receive a discharge of the excise thereon from the Collector.

Loaf sugar
exported by
water, to be
inspected pre-
vious thereto.

Be it further enacted, That the Governor, with advice of Council, be, and he is, hereby empowered to appoint one or more suitable person or persons, in any town within this Commonwealth where he may think proper, for the purpose of inspecting loaf sugar, as is hereinbefore directed; and every inspector, before he enters on the duties of his office, shall be sworn before some Justice of the Peace to the faithful discharge of the same.

Governor and
Council to ap-
point inspectors.

And be it further enacted by the authority aforesaid, That all forfeitures and penalties incurred by this or any other act for the encouragement of the commerce, navigation and manufactures of this Commonwealth shall be recovered by libel, complaint, action of debt, or the case, before any Court of Common Pleas within the county where such seizure shall be made, as the nature and circumstances of the case may require.

Forfeitures how
recovered.

And be it further enacted, That a duty of excise of *one half penny* per pound shall be paid for every pound of loaf sugar which shall be manufactured, used or consumed within this Commonwealth, in addition to the excise duty already by law imposed on the same, to be collected by the Collectors of excise duties, in the same manner as other excises are collected; and the same remission of this additional excise duty shall be allowed in case of exportation of loaf sugar, by water, as by law is already provided, in case of exportation of other excised articles in the same way.

Additional duty
on loaf sugar.

Remission of
duty in case of
exportation.

November 30, 1785.

1785. — Chapter 42.

[February Session, ch. 6.]

Chap. 42 AN ACT EMPOWERING THE SELECTMEN OF SUCH TOWNS WHERE THERE MAY BE FIRE ENGINES, TO APPOINT ENGINE MEN; AND REPEALING THE LAWS HERETOFORE MADE FOR THAT PURPOSE.

Preamble.

Whereas it is of importance that provision should be made, to render the use of engines for extinguishing fires, as beneficial as possible:

*Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Selectmen of such towns in this Commonwealth, as are or may be provided with a fire engine, or engines, be, and they are, hereby empowered, if they judge it expedient, as soon as may be after the passing of this act, to nominate and appoint a number of suitable persons, (not exceeding fifteen to one engine) for engine men; who shall continue in said office, during the pleasure of such Selectmen; which engine men shall be and they are hereby authorized and empowered, to meet together some time in the month of *May* annually; at which meeting, they shall have authority to choose a Master, or Director and Clerk of the said engine; and establish such rules and regulations, respecting their duty as engine men, as shall be approved of by the Selectmen, and to annex penalties to the same, which may be recovered by the Clerk of said engine men, before any Justice of the Peace in the same county: *Provided*, no penalty shall exceed *forty shillings*, and that such rules and regulations, shall not be repugnant to the laws of this Commonwealth.*

Selectmen of towns that are provided with engines, empowered to appoint engine men.

Engine men to meet together once a month.

And be it enacted by the authority aforesaid, That the respective companies of engine men, who may be nominated and appointed in pursuance of this act shall be held and obliged to meet together once a month, and oftener if necessary, for the purpose of examining the state of the engine to which they belong, and the appendages belonging to the same, and seeing that the said engine is in good repair, and ready to proceed on any emergency to the relief of any part of the community that may be invaded by the calamity of fire; and the said engine men appointed as aforesaid, shall be held and obliged to go forward, either by night or by day, under the direction of the fire wards in the same town, and to

use their best endeavours to extinguish any fire that may happen in the same town, or the vicinity thereof, and shall come to their knowledge, without delay.

And whereas there may, in some towns, be an engine or engines the property of individuals, who would incline the same might be employed for the benefit of the said town, subject to the like regulations and privileges as though the said engine or engines appertained to the said town.

Be it enacted by the authority aforesaid, That whenever the proprietor or proprietors of any engine or engines shall apply to the Selectmen of any town in which the said engine or engines may be, setting forth, that they have such engine or engines which they are desirous should be employed for the benefit of the said town, the Selectmen of such town, upon application as aforesaid, may appoint engine men in the same manner, with the same privileges, and subject to the same regulations as though the said engine or engines were the property of the said town.

Engine men may be appointed for engines belonging to individuals.

And be it further enacted, That the persons who may be appointed engine men in pursuance of this act, shall be, and they are hereby exempted from common and ordinary military duty, and from serving as jurors, or in the office of a constable, during the time they may be employed in the service aforesaid.

Exempted from military duty, &c.

Be it enacted by the authority aforesaid, That if any person, being appointed in manner hereinbefore directed, shall, in the opinion of the said Selectmen, be negligent and remiss in the duties required of him, as an engine man, by this act, it shall be the duty of the Selectmen in the same town, upon sufficient evidence thereof, to discharge him from said company, and proceed to appoint another engine man in his room, in the manner herein before directed.

Persons negligent or remiss in duty, shall be discharged.

And be it further enacted, That all the acts heretofore made, providing for the appointment of engine men, be, and they are, hereby repealed.

Acts heretofore made, repealed.

February 7, 1786.

1785. — Chapter 43.

[February Session, ch. 7.]

AN ACT FOR NATURALIZING MICHAEL WALSH.

Chap. 43

Whereas Michael Walsh, resident in Salisbury, has dwelt within this Commonwealth several years, and

Preamble.

demeaned himself well, and has applied to the Legislature to be naturalized:

Naturalization.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said Michael Walsh be permitted to take and subscribe the oath of allegiance to this Commonwealth, before two Justices of the Peace, quorum unus, of the county where he dwells; and thereupon, and thereafter, he shall be deemed, adjudged and taken to be a citizen of this Commonwealth, and entitled to all the liberties, rights and privileges of a natural born citizen.

And be it further enacted by the authority aforesaid, That the Justices before whom said Michael Walsh may take and subscribe the oath aforesaid, shall make return thereof to the Secretary of the Commonwealth, who shall record the same in the book ordered to be kept for such purpose.

February 7, 1786.

1785. — Chapter 44.

[February Session, ch. 8.]

Chap. 44

AN ACT FOR NATURALIZING WILLIAM ERVING, ESQ; AND JOHN DUBALLET.

Preamble.

Whereas William Erving, Esq; and John Duballet, residents in Boston, in the Commonwealth aforesaid, have petitioned the General Court that they may be naturalized, and be thereby entitled to all the rights, liberties and privileges of free citizens of this Commonwealth:

Naturalization.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the said William Erving and John Duballet, upon their taking the oaths of allegiance and abjuration required by the constitution of this Commonwealth, before two Justices of the Peace, shall be deemed, adjudged and taken to be free citizens of this Commonwealth, to all intents, constructions and purposes, as if they, the said William Erving and John Duballet, had been inhabitants of the territory, now the Commonwealth aforesaid, at the time of making the present form of civil government.

And it is further enacted, That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office; and the Secretary is hereby directed to record the same in a book to be kept for that purpose.

February 8, 1786.

1785. — Chapter 45.

[February Session, ch. 9.]

AN ACT FOR THE HOLDING A SUPREME JUDICIAL COURT IN *Chap. 45*
THE COUNTY OF LINCOLN.

Whereas it is found expedient and necessary, that there should be held a Supreme Judicial Court, within and for the county of Lincoln :

Therefore be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be annually held at Pownalborough, within and for the county of Lincoln, a Supreme Judicial Court, upon the second Tuesday next following the fourth Tuesday in June.

Court to be annually held at Pownalboro'.

Be it further enacted by the authority aforesaid, That all appeals, recognizances and processes whatever, already granted, taken, pending or issued, or that may within the space of three months from the passing of this act, be granted, taken, pending or issued, before, or by the Court of Common Pleas, Court of General Sessions of the Peace, or any Justice or Justices of the Peace for the said county of Lincoln, which are to be returned, entered or proceeded upon at the Supreme Judicial Court, to be held at Falmouth, in the county of Cumberland, for the counties of Cumberland and Lincoln, shall be returned to, and entered, and proceeded upon by the said Supreme Judicial Court, to be held at Pownalborough aforesaid, according to law, and the rules of the same Court.

Appeals, processes, &c. now pending at Falmouth, shall be returned and proceeded upon by the Court at Pownalboro'.

Be it further enacted by the authority aforesaid, That all writs, precepts and processes, which have been granted or issued, and returned, or are returnable to the said Court holden at Falmouth; and all indictments and presentments found, and recognizances taken, at and by the same Court, and pending therein, which, if this act had been passed and in full force, at the time of granting, issuing, finding or taking such writs, precepts, processes, indictments, presentments and recognizances, should have been returned or made returnable to the Supreme Judicial Court for the said county of Lincoln; and all writs, precepts, and processes that hereafter may be granted or issued within the term aforesaid, and made returnable to the said Court holden at Falmouth, which by virtue of this act ought to be made returnable to the said Court at Pownalborough; shall be transferred and returned to the

Writs, precepts, &c. shall be transferred to the Court at Pownalboro'.

said Supreme Judicial Court at *Pownalborough*, and shall be proceeded on in manner as aforesaid; and all persons concerned are to conduct themselves and appear accordingly.

And be it further enacted, That the several acts, and clauses of acts, for holding a Supreme Judicial Court at *Falmouth*, within the county of *Cumberland* for the counties of *Cumberland* and *Lincoln*, shall be and hereby are repealed, so far as the same respect the county of *Lincoln*; and henceforth there shall be the same proceedings in, and by the said Supreme Judicial Court, within and for the county of *Cumberland*, as are by law had in the other counties of this Commonwealth.

February 13, 1786.

1785. — Chapter 46.

[February Session, ch. 2.]

Chap. 46 AN ACT FOR ENFORCING THE SPEEDY PAYMENT OF RATES AND TAXES, AND DIRECTING THE PROCESS AGAINST DEFICIENT CONSTABLES AND COLLECTORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Treasurer and Receiver General shall send such warrants as he shall from time to time be ordered to issue, for the assessing any rate or tax, enclosed to the Sheriff of each respective county, who is required immediately to dispose of and transmit the same unto the Assessors of the several towns, districts and plantations within such county, according to the directions thereof; for disposing of which, he shall have a reasonable allowance ordered him by the Court of Sessions of the same county, to be paid out of the county treasury, upon his laying the account thereof before the said Court.

Treasurer to send his warrants enclosed to sheriffs.

Sheriffs to transmit them to assessors; and to have allowance therefor.

Proviso.

Provided always, and it hereby is enacted, That no allowance shall be made to any Sheriff for transmitting any such warrants, unless he shall produce a certificate from one of the Assessors, or the Clerk of each town, district or plantation, in the county to which such Sheriff belongs, or other satisfactory evidence of their having respectively received such warrant as aforesaid.

Treasurer to send a certificate of any deficiency in

And be it further enacted, That if the Treasurer of this Commonwealth, for the time being, shall not receive a

certificate of the assessment of any tax from the Assessors of any town, district or plantation, within sixty days from the time appointed in the warrant for certifying the same, the Treasurer of the Commonwealth, for the time being, shall send a certificate of such deficiency to the Clerk of the Court of General Sessions of the Peace, for the county whereto the deficient town or district belongs, who shall lay the same before the said Court of Sessions at their next sitting; whereupon the said Court shall forthwith proceed to appoint Assessors to assess and apportion the rates and assessments granted as aforesaid; and if any person appointed an Assessor as aforesaid by the Court of Sessions, shall refuse to serve, he shall forfeit the sum of *Six pounds* to the use of this Commonwealth, to be recovered by complaint in the same Court, by such person as the said Court may appoint to be agent or attorney in behalf of the Commonwealth for that purpose, who shall forthwith pay the same to the Treasurer of the Commonwealth; and after such refusal the said Court of Sessions shall, as soon as may be, proceed to appoint other Assessors.

towns, to the clerk of the Court of Sessions.

Court of Sessions to appoint assessors.

Forfeiture for refusing to serve.

And be it further enacted, That if any Constable or Collector to whom any tax or assessment shall be committed to collect, shall be remiss and negligent of his duty in not levying and paying unto the Treasurer and Receiver General such sum and sums of money as he shall from time to time have received, and as ought by him to have been paid within the respective times set and limited by the Assessors' warrant, pursuant to law, the Treasurer and Receiver General is hereby empowered, after the expiration of the time so set, by warrant under his hand and seal, directed to the Sheriff, or his Deputy, to cause such sum and sums of money to be levied by distress and sale of such deficient Constable or Collector's estate, real and personal, returning the overplus, if any there be; and for want of such estate, to take the body of such Constable or Collector, and to imprison him until he shall pay the same; which warrant the Sheriff, or his Deputy, is hereby empowered and required to execute accordingly.

If constables or collectors are remiss in their duty, Treasurer to issue a warrant of distress.

And be it further enacted, That if any Constable or Collector so failing as aforesaid have no estate to be found, whereon to make distress, and his person cannot be taken within the space of three months from the time a warrant of distress shall issue from the Treasurer and Receiver

If they have no estate to be found, towns are to make good the deficiency.

General as aforesaid, or being taken and committed to goal shall not within three months satisfy the same, in such case, the town, district or plantation, whose Constable or Collector so fails of his duty, shall, within three months from the expiration of the said three months first mentioned, make good to the treasury, the sum or sums due or owing to the same, from such deficient Constable or Collector; and the Assessors of such town, district or plantation having notice in writing from the Treasurer of the failure of any Constable or Collector as aforesaid, shall forthwith thereupon, without any other or further warrant, assess the sum the said deficient Constable or Collector is deficient, upon the inhabitants and estates of such town, district or plantation, in manner as the sum so committed to such deficient Constable or Collector, was assessed, and commit the same to some other Constable or Collector with warrant to collect, and in default thereof the Treasurer of this Commonwealth is directed and empowered, to issue a warrant of distress against such deficient Assessors for the whole sum which may remain due from such deficient Constable or Collector, which shall be executed in the same manner as is prescribed in this act for serving other warrants of distress, which may be issued by such Treasurer. Provided always, that such Constable or Collector failing of his duty as aforesaid, for whose default the town, district or plantation is answerable, as before expressed, shall at all times afterwards, be liable to the action or suit of the inhabitants in their corporate capacity, for all such sum and sums as were assessed upon the same through his defect, and for other damages occurring to them thereby. And in case of the decease of any Constable or Collector in any town, district, plantation, precinct or parish, before his having adjusted the accounts of his assessment to him committed to collect, for such town, district, plantation, parish or precinct, the Executors or Administrators of such Constable or Collector, shall, within two months after his decease, settle and make up accounts with the Assessors of the said town, district or plantation, precinct or parish, of such part of the assessment as was received and collected by the deceased Constable or Collector, in his life time, with which such Executors or Administrators shall be chargeable, in like manner as the deceased Constable or Collector should be if living; and such Assessors shall

Assessors of such towns to assess the deficiency, and commit the same to some other constable or collector.

In case of default in assessors, the Treasurer to issue a warrant of distress.

Proviso.

In case of the decease of any constable or collector before his accounts are adjusted, what proceedings shall be had.

thereupon procure and appoint in writing some suitable person, a Collector to perfect such collection; and the person so appointed, is accordingly hereby empowered and required to execute all such powers as were granted to the deceased Constable or Collector: and if the Executors or Administrators of any Constable or Collector so deceased not having fully collected the assessment committed, shall fail of making up and settling the account of what was received by the deceased as aforesaid, before the expiration of the time aforesaid, such Executors or Administrators shall be chargeable with the whole sum committed to their testator or intestate, in case there be sufficient assets, in the same manner the deceased Constable or Collector should be if living.

Assessors to appoint a collector to perfect the collection.

And be it further enacted, That if the Constable or Collector of any town, district, plantation, precinct or parish, within this Commonwealth, to whom any county, town, district, plantation, precinct or parish rates or assessments shall have been committed to collect, shall be remiss in his duty, by neglecting to collect and pay in the same to the Treasurer or Receiver of such county, town, district, plantation, precinct or parish, by the time fixed in the warrant to him directed, such Treasurer or Receiver, is hereby empowered to issue his warrant, returnable in ninety days, under his hand and seal, directed to the Sheriff of the county, or his Deputy, (who are hereby respectively directed and empowered to execute the same) to cause such sum or sums of money as such Constable or Collector hath not paid in, to be levied by distress and sale of his estate real or personal, returning the overplus, if any there be; and for want of such estate, to take the body of such Constable or Collector, and him imprison until he pay the same: and the warrant shall be in substance as follows:

If constables or collectors of any town taxes, &c., are remiss in their duty, the receiver of such taxes empowered to issue his warrant of distress.

ss. A. B. *Treasurer of the of B. in the*
 said county: To the Sheriff of the county of
 [SEAL.] *or his Deputy,*

GREETING.

Whereas *C. D. of B.* aforesaid, (addition) on the day of being a of rates and taxes granted and agreed on by the aforesaid, had a list of assessments, duly made by the Assessors of the aforesaid, amounting to the sum of committed to him,

Form of the warrant.

with a warrant under their hands and seals, directing and empowering him to collect the several sums in the said assessment mentioned, and pay the same to the Treasurer of aforesaid, by the day of but the said *C. D.* hath been remiss in his duty, by law required, and hath neglected to collect the several sums aforesaid, and pay the same to the Treasurer of the aforesaid; and there still remains due thereof the sum of and the said *C. D.* still neglects to pay the same. You are hereby, in the name of the Commonwealth of *Massachusetts*, required forthwith to levy the aforesaid sum of by distress and sale of the estate, real or personal, of the said *C. D.* and pay the same unto the Treasurer of the said returning the overplus, if any there be, to the said *C. D.* and for want of such estate to take the body of the said *C. D.* and him commit to the goal in the county aforesaid, there to remain until he has paid the sum of with *two shillings* for this warrant, together with your fees, or that he be otherwise therefrom discharged by order of law; and make return of this warrant to myself or my successor, as Treasurer of the said within ninety days from this time, with your doings therein.

Given under my hand and seal, this day of in the year of our LORD, one thousand seven hundred and

Sheriffs to
make return
of their doings.

And it is further enacted, That all executions or warrants of distress, that have been, or may hereafter be issued by the Treasurer and Receiver General, or by the Treasurer of any county, town, district, plantation, precinct or parish, against any Constable or Collector, which hath been, or may be hereafter delivered to the Sheriff of any county within this Commonwealth or his Deputy, such Sheriff or Deputy shall make return of his doings thereon unto the Treasurer who issued the same execution or warrant of distress, within a reasonable time after the return day, in the same mentioned, with the money, if any, that he hath received and collected by virtue thereof; and where the same shall necessarily be returned unsatisfied, or satisfied in part only, such Treasurer may issue an *alias* for such sum as may remain due on the return of the first; and so *toties quoties*; which reasonable time after the return day shall be computed at the rate of

When warrants
are returned un-
satisfied, Treas-
urer to issue an
alias.

forty-eight hours, for every ten miles distance, from the dwelling house of the Sheriff or his Deputy, to the place where the warrant may be returnable; and any Sheriff or Deputy Sheriff, that shall make default in accounting for, and paying in the monies he may have collected and received of any deficient Constable or Collector, by execution or warrant of distress as aforesaid, or in making return of his doings within reasonable time as aforesaid, shall be liable to pay the whole sum in such execution or warrant of distress mentioned; and the Treasurer and Receiver General of this Commonwealth, and the Treasurers of the counties, towns, districts, precincts and parishes respectively, are hereby authorized and empowered to make out their warrants respectively, directed to the Coroner of such county, where any Sheriff or his Deputy is deficient as aforesaid, requiring them respectively as aforesaid, to distrain for the same, upon the estate real or personal, of such deficient Sheriff or his Deputy, as is before directed herein, with respect to the Sheriff or his Deputy making distress upon the estate of deficient Constables or Collectors; which warrant, the Coroner of any county respectively is hereby empowered and required to execute.

Sheriffs making default, shall be liable to pay the whole sum.

And be it further enacted, That when any execution or warrant of distress issued by the Treasurer of the State, or Treasurer of any county, town, district, plantation, precinct or parish, to the Sheriff or his Deputy, or to the Coroner, shall be levied on the lands, tenements, or hereditaments of any deficient Constable, Sheriff, or Deputy, in every such case, the officer executing such warrant of distress, shall make sale thereof at public vendue, to the highest bidder, and execute a good deed or deeds of bargain and sale thereof, to the purchaser, having first given notice of the time and place of sale, by posting up advertisements, at least fourteen days previous thereto, in two or more public places in the town or place where such lands or tenements lie, as also in the two adjacent towns; and all deeds and conveyances of any such lands or tenements duly executed as aforesaid, shall be good and effectual in law unto the purchaser, his heirs and assigns forever, to all intents and purposes, as though executed by the deficient Constable, Sheriff, or Deputy; and in case the produce of such lands and tenements, shall not satisfy the sum or sums, mentioned in the said warrant or

When warrants of distress are levied on lands, &c., of deficient constables, sheriffs or deputies, sale thereof to be at public vendue.

In case the produce shall not satisfy the sums, an alias execution shall be issued.

warrants of distress, together with reasonable charges arising thereon, then the Treasurer issuing such warrant, shall issue an *alias* execution or warrant of distress for such remaining sum or sums, and the officer executing the same, for want of estate, shall take the body of such deficient Constable, Collector or Deputy Sheriff, and him commit unto the common goal of the county whereto he belongs, until he shall pay the same.

Proviso.

Provided always, That when any Constable, Collector, or Deputy Sheriff, shall be committed to goal for default in payment of any taxes committed to him to collect, such Constable, Collector, or Deputy Sheriff, shall be admitted to the liberty of the goal yard, they procuring sufficient bonds in the same manner as by law is prescribed for other debtors.

Further proviso.

Provided always, and be it further enacted, That in no case whatever, any distress shall be made or taken from any person, of his arms or household utensils, necessary for upholding life; nor of tools or implements necessary for his trade or occupation, beasts of the plough necessary for the cultivation of his improved land; nor of bedding or apparel necessary for him and his family, any law, usage or custom to the contrary notwithstanding.

When taxes are laid on plantations not incorporated, directions in this case.

And be it further enacted, That when any part or proportion of any State or County Tax, shall be laid on any plantation, not incorporated, the Treasurer of the State, or of such county respectively, shall issue his precept to some Justice of the Peace, dwelling near to such plantation, requiring him forthwith to grant his warrant, directed to some principal inhabitant of such plantation, requiring him to notify and warn the inhabitants of such plantation being freeholders, to meet at such time and place within the same, as in such warrant shall be specified, in order to choose needful Officers for the purposes hereafter mentioned, and such principal inhabitant is hereby obliged to observe and obey the warrant that he shall receive from such Justice, on the penalty of forfeiting and paying the whole sum that shall be ordered to be levied on such plantation, to be recovered by action of debt by said respective Treasurers, in any Court of record within this Commonwealth proper to try the same. And such principal inhabitant shall make return of the Justice's warrant, to the Justice who issued it, with his doings therein, and the doings of the plantation in conse-

quence of it, within the time limited in such warrant; and the Justice shall thereupon certify such doings to the State or County Treasurer respectively: and such of said inhabitants as shall then assemble, shall have power, and they are hereby required to choose a Moderator and Clerk, as also Assessors and Collectors for assessing and collecting such plantation's proportion of such State and County Tax as shall be ordered to be assessed, to be duly paid when collected by such Collectors, to the State or County Treasurer's respectively; and such Clerk, Assessors and Collectors shall be under oath, to be administered by the Moderator of such meeting, for the faithful discharge of their respective trusts, and shall have the same allowance from such plantations, as such Officers are entitled unto by law in towns corporate.

Inhabitants empowered and required to choose assessors and collectors.

And be it further enacted, That the Assessors so chosen and sworn, shall thereupon take a list of the rateable polls, and a valuation of the estates and faculties of the inhabitants of such plantation for a rule by which to make such assessment, and by which to judge of the qualification of voters in meetings of the said inhabitants thereafter to be holden, until another valuation shall be made.

Such assessors duty.

And be it further enacted, That the Assessors who shall from time to time be chosen or appointed for such plantation, shall have power, and they are required to issue their warrants for calling meetings of the inhabitants there, in the month of *March* annually for choosing such officers as aforesaid, who shall be sworn by the Moderator or some Justice of the Peace as aforesaid.

Assessors of such plantations to call a meeting of the inhabitants, annually, in March.

And be it further enacted, That every Moderator of a plantation meeting, shall be held and obliged to notify the plantation officers to appear either before himself or some Justice of the Peace, within seven days from the time of their being chosen, and take the necessary oaths, and in case of neglect shall forfeit and pay the sum of *three pounds* for the use of the plantation, to be recovered by any inhabitant thereof, before any Justice of the Peace within the same county.

In what manner officers of plantations shall be sworn.

And be it further enacted, That whenever a Constable or Collector of any town, district, plantation, parish or precinct, shall be taken on execution by virtue of this act, it shall be lawful for the Assessors of such town, district, plantation, parish or precinct for the time being, if they

When constables or collectors are taken on execution, assessors may demand a copy of the assessments unsettled.

see fit, to demand and receive of the Constable or Collector, taken as aforesaid, a true copy of any or all the assessments which as Constable or Collector aforesaid he had in his hands, unsettled, at the time of being taken as aforesaid, with the whole evidence of all payments on the assessments demanded as aforesaid; and in case the said Constable or Collector taken as aforesaid shall upon being demanded thereto deliver up to the said Assessors all the assessments which he as Constable or Collector as aforesaid shall have in his hands unsettled, together with the whole evidence of all payments on the assessments demanded as aforesaid, then the said Constable or Collector shall receive such credit as the said Assessors, from an inspection of his assessments, shall adjudge him entitled to; and the said Collector or Constable taken as aforesaid, shall be holden for the payment for such sum or sums of money as he shall be found deficient after being credited as aforesaid; and the same town, district, plantation, parish or precinct, may proceed to the choice of another Collector at any other time besides the annual meeting in *March*, to finish the collections on the same assessments, who shall be sworn to the faithful discharge of his office; or if he shall refuse or neglect to accept the said office, or refuse to be sworn as aforesaid, he shall incur the penalty which Constables by law will incur for refusing or neglecting to be sworn or serve in the office of a Constable; and the Assessors for the time being respectively, on receiving the assessment as aforesaid, shall make and deliver to the same Collector, chosen and sworn as aforesaid, a warrant or warrants for finishing the collections last aforesaid, in the form by law prescribed, (*mutatis mutandis*) and the same Collector shall proceed to finish such collections in the same manner as Constables or other Collectors are to proceed in collecting like species of rates or taxes; and if any Constable or Collector taken as aforesaid shall, on demand as aforesaid, refuse to exhibit and deliver up his assessments with the evidence as aforesaid, he shall be forthwith, either by the officer taking him as aforesaid or by warrant from some Justice of the Peace, committed to the common goal of the county, there to remain until he shall exhibit the same for the purpose aforesaid: and the Assessors of such town, district, plantation, parish or precinct, are hereby empowered to take the duplicate, or copies of the records

Such collectors or constables to be accountable for the deficiency.

Towns, &c. may proceed to the choice of another collector.

Penalty for refusing to accept.

If any collector taken on execution refuse to deliver up his assessments, he shall be committed to goal.

of such assessments, if the same are recorded, and the same copies to deliver to the Collector, chosen as last aforesaid, who having received the same, and a warrant therefor, shall proceed to finish the collection of the rates and taxes in the same assessments mentioned, of the persons who did not pay the same to the Constable or Collector, taken as aforesaid.

Provided always, That the Collectors chosen to finish the collections aforesaid, on averment of payment by the person or persons assessed, to the Constable or Collector taken as aforesaid, and denial of payment to the Collector for finishing the said collections, shall not proceed to distrain or imprison any person, unless a vote of such town, district, plantation, parish or precinct, is first had therefor, and certified to the same Collector by the Clerk of such town, district, plantation, parish or precinct. Proviso.

And be it further enacted, That if any Constable or Collector of any town, district, plantation, parish or precinct, shall abscond or secret himself for the space of one month, having assessments in his hands unsettled, the Selectmen or Assessors of such town, district, plantation, parish or precinct, are hereby empowered to charge such Constable therewith, by declaration filed in the Supreme Judicial Court, and thereupon to proceed to judgment of outlawry against such Constable or Collector; and the same town, district, plantation, parish or precinct, are hereby empowered to choose a new Collector to finish the collections which such absconding Constable or Collector should have finished and compleated; and the same collections may be finished in the same manner as is provided for finishing collections, where the Constable or Collector is taken on execution, and refuses to exhibit or show his assessment as aforesaid; the said Selectmen, Assessors and Collector, observing the rules and directions therein expressed. If constables or collectors abscond, judgment of outlawry to proceed.

Provided always, That if such Constable or Collector, during the aforesaid process of outlawry, shall surrender himself and confess the aforesaid charge, or settle the assessments, and pay the rates and taxes in his hands as aforesaid, no further process shall be had against him, except judgment for costs, which he shall be holden to pay. Proviso.

Provided also, That if after judgment of outlawry rendered against him, such Constable or Collector shall Proviso.

surrender himself, and settle the same assessments, and pay the rates and taxes, and all costs of the process last aforesaid; and if the same settlement, payment and satisfaction, shall be recorded in the Supreme Judicial Court, such record shall be construed to operate and be a full and effectual reversal of the aforesaid judgment of outlawry; and such town, district, plantation, parish or precinct, shall have all other remedies against such Constable or Collector, as they would have been entitled to, had no such process of outlawry ever been commenced.

February 16, 1786.

1785. — Chapter 47.

[February Session, ch. 10.]

Chap. 47 AN ACT FOR RAISING AND FORMING A REGIMENT OF CAVALRY IN THE COUNTY OF WORCESTER.

Governor and Council empowered to raise one regiment of cavalry in the county of Worcester.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the Governour, with advice of Council, be, and he hereby is empowered to raise by voluntary enlistment, in the room of two troops of cavalry, as already provided by law, one regiment of cavalry in the county of *Worcester*, to consist of one Colonel, one Lieutenant-Colonel, one Major, one Adjutant, one Quarter Master, one Sergeant Major, one Quarter Master-Sergeant, one Trumpet Major, and eight troops, to consist of the same number of officers, non-commissioned officers and privates, as is provided in the militia law of this Commonwealth for the other troops of cavalry.

Proviso.

Provided nevertheless, That not more than five men shall enlist from the training band of any one company of militia in said county, and when so enlisted, they shall proceed to elect their officers in the same way and manner as is provided in the militia law; and the Governor, with advice of Council, is hereby authorized and empowered to commission the same.

To be mounted, accoutred, &c. agreeably to the militia law.

And be it further enacted, That when said regiment shall be raised and formed, they shall be mounted, accoutred and equipt, agreeably to the directions of the militia law of this Commonwealth, for mounting, accoutring and equipping the other corps of cavalry; and that the said regiment be governed by the regulations made and provided for the government of the militia of this Commonwealth.

And be it further enacted, That the Governor, with advice of Council, shall appoint some suitable person to receive enlisting orders for raising the said regiment; and the Major General of the division in which said regiment shall be raised, is hereby directed to give orders for the election of the officers of said regiment, as is provided by the militia laws of this Commonwealth for the electing the officers of the militia at large. *February 17, 1786.*

Governor and Council to appoint some person to receive enlisting orders.

1785.—Chapter 48.

[February Session, ch. 10.]

AN ACT FOR REGULATING THE PROCEEDINGS IN ACTIONS OF ACCOUNT. *Chap. 48*

Whereas the proceedings on actions of account are prolix, and require amendment: Preamble.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That upon a judgment rendered in any Court of Common Pleas, that the defendant shall account, it shall be in the power of the party against whom such judgment shall hereafter be given, to appeal therefrom, if such party shall think proper, before the same Court proceed to the appointing of auditors; and in case no appeal shall be made from the first judgment, that the defendant shall account, an appeal from the final judgment, after the cause has been before auditors, shall not entitle the original defendant to try the issue of bailiff or not bailiff before the Supreme Judicial Court; but the first judgment that the defendant shall account shall remain in full force; and he shall account accordingly. And in case the defendant shall not enter and prosecute his appeal from the first judgment, the same upon complaint may be affirmed: and auditors may thereupon be appointed in the same manner they would have been in the Court of Common Pleas, had no appeal been made from the first judgment.

When Persons against whom judgment shall be given, refuse to appear, damages to be assessed by a jury.

And be it further enacted, That when any person against whom judgment shall be given, that he shall account, shall unreasonably refuse or neglect to appear at the time and place assigned by the auditors, or after appearing, shall refuse or neglect to render an account, the auditors may certify such refusal or neglect to the Court from which their appointment issued; and the same Court may thereupon cause damages to be assessed by a jury, and

enter up judgment for the damages so assessed, with reasonable costs, and award execution therefor; any law, usage or custom to the contrary notwithstanding.

February 17, 1786.

1785. — Chapter 49.

[February Session, ch. 14.]

Chap. 49 AN ACT FOR NATURALIZING JAMES WAKEFIELD, ANN WAKEFIELD, HIS WIFE, AND BENJAMIN WAKEFIELD, ANN WAKEFIELD, TERENCE WAKEFIELD, AND MARY WAKEFIELD, HIS CHILDREN.

Preamble.

Whereas the said James Wakefield was born within this Commonwealth, but for fifteen years past has resided within the Province of Nova Scotia, and was out of the said Commonwealth at the time of forming the constitution thereof; and the said James having returned to dwell within the same, with his said wife and children, has petitioned the General Court that he and they might be naturalized:

James Wakefield and others, naturalized.

Be it therefore enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That upon the said James Wakefield's taking the oaths of allegiance and abjuration, required by the constitution of this Commonwealth, before two Justices of the Peace, quorum unus, he the said James Wakefield, together with Ann Wakefield his wife, and Benjamin Wakefield, Ann Wakefield, Terence Wakefield and Mary Wakefield, all minors and children of the said James Wakefield first mentioned, be, and they hereby are declared to be free citizens of this Commonwealth, and shall hereafter be considered, acknowledged and known, to all intents and purposes whatsoever as such, and be entitled to all the privileges and immunities of free citizens, in as ample a manner, as if they had been inhabitants in, and citizens of this Commonwealth, at the time of forming the constitution of the same.

Certificate of the oaths, to be returned into the Secretary's office.

And be it further enacted by the authority aforesaid, That the Justices before whom the same oaths shall be taken, shall return a certificate of the same into the Secretary's office, to be placed on the records of the Commonwealth.

February 17, 1786.

1785. — Chapter 50.

[February Session, ch. 1.]

AN ACT FOR THE CHOICE AND APPOINTMENT OF ASSESSORS, *Chap. 50*
AND FOR ASSIGNING THEIR POWERS AND AUTHORITY.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That in the month of *March* annually, at the

same meeting when other town and district officers are chosen by the respective towns and districts in this Commonwealth, there shall be chosen by the qualified voters then present and voting, or the major part of them, three, five, seven or nine meet persons, to be Assessors of all such rates and taxes as the General Court shall order and appoint such town or district to pay, towards the charges of the government, within the space of one year from the choice of such Assessors, unless the warrant for the assessment shall not be by them received before the first day of *March* succeeding; and in case of its being received afterwards, it shall be delivered to their successors in office, who shall be under the same obligations to make the assessment as their predecessors would have been under if they had seasonably received the same; who shall also be the Assessors of county, town and district taxes; and each Assessor so chosen shall, within the space of seven days next after being notified thereof, be sworn before a Justice of the Peace, or before the town or district Clerk, to the faithful discharge of his duty, in the form hereafter prescribed; and the Assessors so chosen and sworn, shall assess the polls of, and estates within such town or district, their due proportion of any tax, according to the rules set down in the act for raising the same, and make perfect lists thereof under their hands or the hands of the major part of them, and commit the same to the Constable or Constables, Collector or Collectors of their town or district, if any there be, otherwise to the Sheriff, or his Deputy, with a warrant under their hands and seals, in the form hereinafter directed, and return a certificate thereof to the Treasurer or Receiver General of this Commonwealth, for the time being, with the name of the Constable or Constables, Collector or Collectors, Sheriff or his Deputy, to whom they shall have committed the same assessment, with a

Assessors to be
chosen annually,
in the month of
March.

Assessors to be
sworn.

Their duty.

warrant as aforesaid to collect; and the said Assessors shall also have their assessment recorded in the town or district book, or leave an exact 'copy thereof by them signed, with the town or district Clerk, or file such copy in the Assessor's office, where any such is kept, before the same shall be committed to a Constable or Collector, the Sheriff or his Deputy, to collect, and at the same time shall lodge in the said Clerk's office the invoice or valuation, or a copy thereof, from whence the rates or assessments are made, that the inhabitants, or others rated, may inspect the same; and if any Assessor, after being chosen and notified to take the oath of an Assessor in the way and manner other town officers are notified and summoned, shall neglect to appear, or appearing shall refuse to be sworn, he shall forfeit and pay the sum of *Five pounds* for the use of the poor of the town or district respectively, to be recovered by their respective Treasurers before the Court of General Sessions of the Peace for the county in which such town or district lies, by complaint, which for substance shall be as follows:—

Assessors, after being chosen & notified, neglecting to appear, or refusing to be sworn.

Penalty.

To be recovered by complaint, before the Court of Sessions.

Form of the complaint.

To the Justices of the Court of General Sessions of the Peace for the county of _____ to be held at _____ within and for the county aforesaid, on the _____ Tuesday of _____ next. Complain *A. B.* Treasurer of the _____ of _____ that *C. D.* of _____ (addition) on the _____ day of _____ last, was duly and legally chosen by the qualified voters of the said _____ to serve as an Assessor thereof, and that the said *C. D.* was notified to take the oath of that office as the law directs; yet the said *C. D.* has, for the space of seven days after being notified as aforesaid, neglected and still neglects to take the said oath, whereby he hath forfeited the sum of *Five pounds* for the use of the poor of the said _____ wherefore your complainant prays that a warrant of distress may be issued against the said *C. D.* for the forfeiture aforesaid, in form and manner as the law directs. Dated at _____ the _____ day of _____ Anno Domini, 1788

A. B. Treasurer.

Same form may be used to recover penalties of other town officers.

And the same form, *mutatis mutandis*, may be used in the recovery of any penalty which may be incurred by any person chosen as a town, district, plantation, parish or precinct officer, who shall neglect to take the oath of

office as required by law; and the selectmen of every such town or district, when any one or more of the Assessors so chosen shall refuse as aforesaid, shall forthwith, after notice thereof, summon a meeting of the qualified voters of such town or district, to chuse an Assessor or Assessors in the room of such Assessor or Assessors so refusing; which voters, so assembled, shall accordingly chuse so many Assessors as shall be wanting to compleat the number which the town or district, at the time of the first choice, voted should be elected.

When assessors shall so refuse, selectmen shall summon a meeting for a new choice.

Provided always, That it shall be in the power of the Court of General Sessions of the Peace, for the same county, upon reasonable excuse made to them by any Assessor that shall refuse to accept as aforesaid, to remit, if they see cause, the penalty aforesaid.

Court of Sessions may remit the penalty, if they see cause.

And be it further enacted, That if any town or district shall not chuse Assessors as aforesaid, or if so many of them so chosen shall refuse to accept, as that there shall not be such a number of them as any town or district shall vote to be the Assessors thereof, then the selectmen of such town or district shall be, and hereby are declared and appointed the Assessors thereof; and every one of them shall be duly sworn to the discharge of the trust; and each Assessor shall be paid out of the town or district treasury *four shillings* for each whole day he shall be necessarily employed in that service.

If towns shall not chuse, or assessors refuse to accept, Selectmen to be declared assessors and sworn.

Assessors pay.

And be it further enacted, That if any town or district shall neglect to make choice of Selectmen or Assessors, the said default being made known unto the Court of General Sessions of the Peace within the same county, such town or district shall forfeit and pay a sum not exceeding *One hundred pounds* nor less than *Thirty pounds*, as the Court of Sessions shall order, for the use of this Commonwealth; and in such case, as also where neither the Selectmen nor Assessors chosen by any town or district shall accept the trust, or having accepted the trust shall not perform their duty, the Court of General Sessions of the Peace in the same county, shall be, and hereby are empowered to nominate and appoint three or more sufficient freeholders within such county, to be Assessors of the rates or taxes in such town or district as aforesaid, which Assessors so appointed, after being duly sworn, shall assess the polls and estates within such town or district their due proportion to any tax, according to the

Penalty for neglecting to chuse selectmen or assessors.

In such case, as also where selectmen nor assessors accept, or neglect to perform their duty; the Court of Sessions to appoint assessors.

Their duty.

rules set down in the act for raising the same, together with the aforesaid penalty, where the town or district makes default as aforesaid, and such additional sum as shall answer their own reasonable charges for time and expence in the said service, not exceeding *ten shillings* per day for each man so employed; and having made such assessment, shall issue a warrant under their hands and seals for collecting the same, and transmit a certificate thereof to the Treasurer, with the name of the Constable, Collector, Sheriff, or his Deputy, to whom they shall commit the same to be collected; and such Assessors shall be paid their charges as abovesaid, the same being adjusted and certified by two or more Justices of the Court by whom they were appointed Assessors under their hands, out of the public treasury, by warrant from the Governor, with the advice and consent of Council.

Such assessors to be paid out of the public treasury.

Assessors shall duly observe all such warrants as they shall receive from the Treasurer.

Forfeiture in case of neglect.

To be levied by distress.

Court of Sessions to appoint other meet persons to be assessors.

And be it further enacted, That all Assessors chosen or appointed as aforesaid shall duly observe all such warrants as during the time of their office they shall receive from the Treasurer or Receiver General, pursuant to an act or acts made and passed by the General Court of this Commonwealth, for the assessing and apportioning any rate or tax upon the inhabitants or estates within the town or district whereof they are Assessors, on pain that the Assessors of any town or district failing of their duty required by such warrant of the Treasurer, shall forfeit and pay the full sum in such warrant mentioned, to be by them assessed, to the use of the Commonwealth, which shall be levied by distress and sale of the estates, real and personal, of such deficient Assessors, by warrant from the Treasurer, directed to the Sheriff of the county, or his Deputy, in which such town or district lies; and the Treasurer is hereby authorized and required in such case, *ex officio*, to issue his warrant requiring the Sheriff or his Deputy to levy the said sums accordingly, and for want of estate to take the bodies of such deficient Assessors, and imprison them until they pay the same; which warrant the Sheriff, or his Deputy, is hereby empowered and required to execute accordingly; and the Court of General Sessions of the Peace in the county where such deficient Assessors dwell, shall be, and hereby are directed and empowered forthwith to appoint other meet persons to be Assessors of such rates or taxes, according to the directions contained in the Treasurer's warrant

issued unto the former Assessors ; and the Assessors who shall be so appointed, shall take the oath and perform the same duties, and be liable to the same penalties as the former Assessors.

And be it further enacted, That the oath to be administered to the Assessors, chosen or appointed as this act prescribes, shall be in the form following :

You A. B. one of the Assessors for the _____ of _____
C. for the year ensuing, do swear, that you will proceed Form of the
equally and impartially, according to your best skill and oath to be ad-
judgment, in assessing and apportioning all such rates ministrated to
and taxes, as you may according to law be directed to assessors.
assess and apportion during that time.

So help you GOD.

And be it further enacted, That the warrant to be issued by the Selectmen or Assessors, for the collecting and gathering in of the State rates or assessments, shall be in substance as follows :

[SEAL.] ss. To A. B. Constable or Collector of the
town of A, within the county of S Greeting.

In the name of the Commonwealth of *Massachusetts*, you are required to levy and collect of the several persons named in the list herewith committed unto you, each one, his respective proportion, therein set down of the sum total of such list, it being this town's proportion of a tax or assessment of *pounds*, *shillings*, and *pence*, granted and agreed upon by the General Court of said Commonwealth, at their session, begun and held at *B* on the day of , for defraying the necessary charges of securing, protecting and defending the same; and you are to transmit and pay in the same unto *T*.

Form of the warrant to be issued by selectmen or assessors, for collection of state taxes.

Z. Treasurer and Receiver General of this Commonwealth, or to his successor in that office, and to compleat, and make up an account of your collections of the whole sum, on or before the day of ; and if any person shall refuse or neglect to pay the sum he is assessed in the said list, to distrain the goods or chattels of such person, to the value thereof: and the distress so taken, to keep for the space of four days, at the cost and charge of the owner; and if he shall not pay the sum so assessed, within the said four days, then you are to sell at Public Vendue, the distress so taken, for the payment

Form of the warrant to be issued by selectmen or assessors, for collection of state taxes.

And be it further enacted, That all county, town, district, precinct, plantation and parish rates and taxes, shall be assessed and apportioned by the Assessors of the several towns, districts, plantations, precincts and parishes within this Commonwealth, upon the polls of, and estates within the same, according to the rules that shall from time to time be prescribed and set, in and by the then last Tax Act of the General Court; and such Assessors shall cause attested copies of such assessments and valuations, to be lodged in the Clerk's office of the place where the same are made, or file the same in their own office, if any such they have.

Manner of apportioning and assessing county and town taxes, &c.

And be it further enacted by the authority aforesaid, That the Assessors of each town, district, plantation, precinct and parish respectively, in convenient time, before they proceed to make any assessment, shall give seasonable warning to the inhabitants, at any of their respective meetings, or by posting up notifications in some public place in said town, district, plantation, precinct or parish, as the case may be, or notify the respective inhabitants in some other way, to make and bring into them the said Assessors, true and perfect lists of their polls, and of all their estates, both real and personal (saving such estate as is or may by law, from time to time, be exempted from taxation) which they were possessed of, at such periods as the General Court may from time to time order and direct; and if any person or persons, shall not bring in a list of their estates, as aforesaid, to the Assessors, he, she, or they so neglecting or refusing, shall not be admitted to make application to the Court of General Sessions of the Peace, for any abatement of the assessment so laid on him, her or them; unless such person or persons shall make it to appear to the said Court, that it was not within the power of him, her, or them, to deliver to the Assessors respectively, a list of his, her, or their rateable estate, at the time appointed for that purpose; and if the Assessors suspect any falsehood in the list to them presented, of polls or estates as aforesaid, then the said Assessors, or either of them, shall require the person presenting such list, to make solemn oath that the same is true, which oath the Assessors, or either of them, are hereby empowered to administer; and such list being exhibited on oath, shall be a rule for that person's proportion of the tax, who presented the same, which the Assessors may not exceed,

Assessors of each town to give seasonable warning to the inhabitants to bring in lists of their polls and estates.

Persons refusing shall not be admitted to make application for abatement.

If Assessors suspect falsehood in the list presented, they may require an oath.

unless they shall discover any error therein; in which case, the Assessors are hereby authorized and directed to assess such articles as appear to be kept back.

Persons aggrieved at the sum set upon them, shall have a reasonable abatement by the Assessors.

And be it further enacted, That if any person or persons shall at any time be aggrieved at the sum or sums set and apportioned upon him, or them, by the Assessors of any town, district, plantation or parish, and shall make it appear unto the Assessors, for the time being, of such town, district, plantation or parish, that he, or they, are rated more than his or their proportion, according to the rules given in the act or acts, of the General Court, for making the said assessment, in such case the said Assessors, for the time being, shall make a reasonable abatement to the person or persons so aggrieved; and if they shall refuse so to do, such person or persons complaining, in writing, unto the next Court of General Sessions of the Peace, within that county, and making it appear, that he, or they are overrated as aforesaid, he, or they, shall be relieved by the said Court, and shall be reimbursed out of the treasury of the town, district, plantation or parish, where such assessment was made, so much as the said Court or Assessors respectively shall see cause to abate him, or them, with the charges; and the said Court of General Sessions of the Peace, are empowered, on such complaint being made, to require the Assessors or Clerk, to produce the valuation, by which the assessment is made, or a copy thereof.

Assessors may apportion such additional sum, as any fractional division of the precise sum may render convenient.

Be it further enacted, That the Assessors for any town, district, plantation, precinct or parish, from time to time, may, and are hereby authorized and empowered to apportion on the polls and estates, according to law, such additional sum, over and above the precise sum to them committed to assess, as any fractional divisions of such precise sum may render convenient in the apportionment thereof; not exceeding five per centum on the sum taxed, — Provided the whole excess shall in no case amount to more than the sum of *Forty pounds*, the surplus sum shall be paid into the treasury of such town, district, plantation, precinct or parish, and shall be subject to the order and disposal of such town, plantation, precinct, district or parish; and it shall be the duty of such Assessors, to certify such town, district, plantation, precinct or parish Treasurer thereof.

Proviso.

Plantations vested with the

And be it further enacted, That all plantations, which

shall from time to time be ordered by the General Court, to pay any part or proportion of the public taxes, shall be, and they hereby are, fully vested with all the powers, that towns in this Commonwealth by law are, so far as relates to the choice of Assessors of taxes; and any person who shall be chosen to the office of an Assessor of taxes, in any of the aforesaid plantations, and shall refuse to accept of the office to which he shall have been elected, or neglect to take the oath by law required to be taken by Assessors of taxes in towns, shall be liable to the same penalties, to be recovered in the same way and manner, as by this act is provided in the case of Assessors refusing to accept such office, when chosen by towns.

powers of towns, in the choice of Assessors.

And be it further enacted, That if any of the plantations aforesaid, shall neglect to choose Assessors as aforesaid, or if the Assessors chosen by any such plantation, and accepting such trust, shall be remiss or neglect their duty; in every such case, such plantation shall be subject to the same penalties, and be proceeded with in the same manner, as by this act is provided, in the case of deficient towns; and such deficient Assessors shall be, and hereby are made liable to the same penalties, to be recovered by the same process as by this act is provided, in the case of deficient Assessors, chosen by towns.

Subject to the same penalties in case of neglect.

And whereas the county tax may often be so small as that it would be inconvenient to make a separate list of each person's proportion of it:

Be it therefore enacted, That in such case it shall and may be lawful for the Assessors of any town, district or plantation, to add their proportion of the county tax to any of their other taxes, and make out warrants and certificates accordingly.

Assessors in certain cases, may add the county to any of their other taxes.

And be it further enacted, That in the month of March annually, at the time other precinct and parish officers are chosen by the respective precincts and parishes in this Commonwealth, there shall be chosen by the qualified voters then present and voting, or the major part of them, three or five meet persons to be Assessors of all such rates and taxes as shall be agreed upon and granted by their respective precincts and parishes at their meetings regularly warned for that purpose, who shall be sworn to the faithful discharge of their trust, in the form before prescribed in this act.

Precincts and parishes shall choose Assessors in the month of March, annually.

Warrants
against Sheriffs
to be served by
a Coroner.

Be it further enacted, That where any warrant by virtue of this act is to be directed to the Sheriff of any county, or his Deputy, and the person, or any one of the persons against whom such warrant may be granted, shall be a Sheriff or Deputy Sheriff for such county, in such case, the warrant shall be directed to and served by a Coroner of the same county.

February 20, 1786.

1785. — Chapter 51.

[February Session, ch. 12.]

Chap. 51 AN ACT FOR THE BETTER SECURING, AND RENDERING MORE EFFECTUAL, GRANTS AND DONATIONS TO PIOUS AND CHARITABLE USES.

Preamble.

Whereas many grants and donations have heretofore been made by sundry well disposed persons, in and by such expressions and terms as plainly show it was the intent and expectation of such grantors and donors, that their several grants and donations should take effect, so as that the estates granted should go in succession; but doubts have arisen in what cases such donations and grants may operate so as to go in succession: for ascertaining whereof,

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the deacons of all the several protestant churches, not being episcopal churches, and the church wardens of the several episcopal churches, are, and shall be deemed so far bodies corporate, as to take in succession all grants and donations, whether real or personal, made either to their several churches, the poor of their churches, or to them and their successors, and to sue and defend in all actions touching the same; and wherever the ministers, elders or vestry, shall in such original grants or donations have been joined with such deacons or church wardens as donees, or grantees in succession, in such cases, such officers and their successors, together with the deacons or church wardens, shall be deemed the corporation for such purposes as aforesaid; and the minister or ministers of the several protestant churches, of whatever denomination, are and shall be deemed capable of taking in succession any parsonage land or lands, granted to the minister and his successors, or to the use of the ministers, and of suing and defending all actions touching the same; saving that nothing in this act shall be construed to make

Deacons and
church wardens
deemed so far
bodies corporate
as to take in
succession all
grants and do-
nations.

When minis-
ters, elders and
vestry are
joined.

In such cases to
be deemed the
corporation for
such purposes.

void any final judgment of any Court of Common Law or Probate; saving also that no alienation of any lands belonging to churches hereafter made by the deacons, without the consent of the church, or a committee of the church for that purpose appointed, or by church wardens, without the consent of the vestry, shall be sufficient to pass the same; and no alienation hereafter made by ministers, of lands by them held in succession, shall be valid any longer than during such alienors continuing ministers, unless such ministers be ministers of particular towns, districts or precincts, and make such alienation with their consent respectively, or unless such ministers so aliening be ministers of episcopal churches, and the same be done with the consent of the vestry; and the several churches in this Commonwealth, not being episcopal churches, are hereby empowered to choose a committee to call the deacons or other church officers to an account; and if need be, commence and prosecute any suits touching the same, and also to advise and assist such deacons in the administration of the affairs aforesaid.

And be it further enacted, That the income of the grants made, or to be made to any one such body politic, for pious and charitable uses, shall not exceed the sum of *Three hundred pounds per annum.* *February 20, 1786.*

Income of the grants not to exceed 300l. per annum.

1785. — Chapter 52.

[February Session, ch. 13.]

AN ACT FOR REGULATING FENCES.

Chap. 52

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That in every town and district within this government, there shall be chosen annually by the inhabitants thereof, at the time of their meeting, for the choice of town officers, two or more judicious and discreet freeholders, being inhabitants of the same town or district, to be fence viewers, to be sworn as other town officers are sworn to the faithful discharge of the duties of their office, each of whom, in case of refusal, after seven days notice, shall pay a fine of *thirty shillings* and another person shall be forthwith chosen in his stead, the fine to be to the use of the same town or district.

Fence viewers to be chosen annually, & sworn.

In case of refusal, penalty.

And be it further enacted by the authority aforesaid, That all fences of four feet high, and in good repair, con-

Fences of four feet high to be

accounted legal and sufficient.	sisting of rails, timber, boards or stone walls; and also brooks, rivers, ponds, creeks, ditches and hedges, or other matter or thing equivalent thereto, in the judgment of the fence viewers, within whose jurisdiction the same shall
Partition fences to be maintained by the occupants in equal halves.	lye, shall be accounted legal and sufficient fences; and the respective occupants of lands enclosed with fence, shall keep up and maintain partition fences between their
And in case.	and the next adjoining enclosures, in equal halves, so long as both parties continue to improve the same; and in case either party shall neglect or refuse to repair or rebuild the fence which of right he ought to maintain, the aggrieved party may forthwith apply to two or more fence viewers of such town, duly chosen and sworn, to survey the same; and upon their determination that the fence is insufficient, they shall signify the same in writing to the occupant of the land, and direct him to repair or rebuild the same within six days; and if the same fence shall not be repaired or rebuilt within the said term of six days, it shall be lawful for the complainant that improves the lands adjoining, to make up, amend or repair the deficiency; and when the same shall be compleated and adjudged sufficient by two or more of the fence viewers, and the value thereof, together with the fence viewers fees ascertained in writing, the complainant shall have a right to demand and receive of the occupant, lessor or freeholder of the land where the fence was deficient as aforesaid, at his election, double the sum thus ascertained as aforesaid, for the expence of amending, surveying and viewing the fence; and in case of neglect or refusal to make payment thereof, for the space of one calendar month after demand made of the person against whom he shall make his election, he may sue for and recover the same, by a special action of the case in any Court proper to try the same, and interest, <i>one per cent.</i> per month until judgment shall be rendered therefor.
Penalty for not repairing deficient fences.	
How to be recovered.	
When disputes arise about the respective occupants right in partition fences.	<i>And be it further enacted,</i> That when any dispute shall arise about the respective occupants right in partition fences, and his or their obligation to maintain the same, upon application made by either party to two or more fence viewers of such town where the lands lye, they are hereby empowered after due notice to each party to attend at time and place if they see cause, to assign to each party his share thereof, in writing: which assignment being recorded in the Town Clerk's office, shall be
To whom application is to be made.	

binding upon such persons, and the succeeding occupiers of the respective lands, and they obliged always thereafter to maintain their part of said fence; and in case any of the parties shall refuse, or neglect to erect, keep up and maintain the part to such party assigned; the same may be done by the aggrieved party, in the manner before in this act provided, and for which he shall be entitled to double the sum ascertained, in manner as aforesaid, and to be recovered in like manner. And all divisional fences between man and man, shall be kept in good repair throughout the year, unless the occupiers of the lands on both sides, shall otherwise agree.

And in case.

And be it further enacted by the authority aforesaid, That when lands belonging to, or occupied by different persons, and subjected to be fenced, are bounded upon, or divided from each other by any brook, pond, or creek, which of itself is not a sufficient fence in the judgment of the fence viewers, and it is in their opinion impracticable without unreasonable expence for the partition fence to be made in the middle or other part thereof, being the true boundary line between them; if in such case the occupant of the land on one side, shall refuse or neglect to join with the occupant of the land on the other side, in making a partition fence on one side or the other, or shall disagree respecting the same, then two or more fence viewers of the town or towns wherein such lands lye, on application to them made, shall forthwith view such brook, river, pond, or creek; and if they shall determine the same not to answer the purpose of a sufficient fence, and that it is impracticable to fence at the true boundary line: they shall judge and determine how, or on which side thereof, the fence shall be set up and maintained, or whether partly on one side, and partly on the other side, as to them shall appear just, and reduce such their determination to writing, having first given notice to the parties to be present at such assignment: and if either of the parties shall refuse or neglect to make up and maintain the part of the fence to such party belonging, according to the fence viewers' determination in writing as aforesaid, the same may be done and performed, as in this act is before provided, and the delinquent party subject to the same costs and charges, and to be recovered in like manner.

When lands occupied by different persons are bounded upon brooks, ponds, &c.

In such cases.

And be it further enacted by the authority aforesaid,

Where lands belonging to two persons, have been improved without a partition fence, and one of the occupants shall be desirous to improve his part in severalty, the other occupant refusing, the fence viewers to divide the same.

That where any lands belonging to two persons in severalty shall have been improved in common without a partition fence between them, and one of the occupants shall be desirous to improve his part in severalty, and the other occupant shall refuse or neglect, on demand, to divide the line where the fence ought to be built, or to build a sufficient fence on his part of the line when divided, it shall be in the power of the party desiring it, to have the same divided and assigned by two or more of the fence viewers of the same town, in the way and manner in this act provided; and the same fence viewers may in writing assign a reasonable time, having regard to the season of the year, for making up the fence; and if the occupant complained of shall not build and erect his part of the fence within the time so assigned, it shall and may be lawful for the other party, after having made up his own part of the fence, to make up the other's part, and recover therefor double the sum it shall cost, with the fees of the fence viewers, in the way and manner in this act before provided.

Parties ceasing to improve their lands, or shall lay inclosures in common, not to take away any part of the partition fence.

Proviso.

And be it further enacted, That when one party shall cease to improve his land, or shall lay his inclosure, before under improvement, in common, he shall not have a right to take away any part of the partition fence that to him belongs, adjoining to the next inclosure that is improved: Provided the party continuing to improve will allow and pay therefor, so much as two or more fence viewers shall in writing determine the reasonable value thereof. And whenever any lands which have laid unimproved and in common, shall be afterwards enclosed or improved by depasturing, the occupant, lessor or freeholder thereof, shall pay for the one half of each partition fence standing upon the divisional line between the same land and the land of the enclosures of any other occupant or proprietor, the value and part thereof to be ascertained in writing, in case they shall not agree between themselves, by two or more of the fence viewers of the same town wherein such line lyes; and in case such occupant, lessor, or proprietor as aforesaid, shall neglect or refuse to pay for a moiety of the partition fences, for the space of thirty days after demand made, (the value having been ascertained as aforesaid) the proprietor of the fence may have and maintain in form aforesaid, an action of the case for such value and the costs of ascertaining the same.

And in all cases where the line upon which partition fence is to be made or divided, is the boundary line of one or more towns, or partly in one town, and partly in another town, a fence viewer shall be taken from each town.

Where partition fences are on the boundary lines of one or more towns, a fence viewer to be taken from each.

And be it further enacted, That when a water fence, or fence running into the water is necessary to be made, the same shall be done in equal halves, unless by the parties otherwise agreed : and in case either party shall refuse or neglect to make or maintain the share to such party belonging, similar proceedings shall be had, as in other cases of the like kind respecting fences out of the water, in this act mentioned.

When a water fence is necessary, it shall be done in equal halves.

Provided, That nothing in this act contained, shall extend to house lots, the contents of which do not exceed half an acre ; but if the owner or owners of such lots shall improve, his neighbour shall be compellable to make, and maintain one half of the fence between them, whether he improve or not ; or to make void any written agreement respecting the making or maintaining partition fences.

Proviso.

And be it further enacted, That any fence viewer duly chosen and sworn, who on due notice given him, and being requested, by any person interested, to view any fence, complained of as insufficient, shall neglect forthwith to attend the same, shall forfeit and pay the sum of *twenty shillings*, to him or them who shall sue for the same, within forty days after such neglect ; and each fence viewer shall be paid *five shillings* a day, *two shillings* and *eight pence* for half a day, and under that *one shilling* and *six pence*, for the time he shall be engaged in the business of his office, by the person employing him. And in case the complainant shall neglect to pay the fence viewers their legal fees within thirty days after the service done, they may severally recover by an action of the case, double the amount of such fees ; and each fence viewer may be a witness, for or against his companion in such suit. And all laws heretofore made respecting partition fences, so far as they relate to lands held or improved in severally, shall be, and hereby are repealed.

Fence viewers neglecting their duty.

Forfeiture.

Their fees.

Laws heretofore made, repealed.

February 21, 1786.

1785. — Chapter 53.

[February Session, ch. 15.]

AN ACT CONCERNING GENERAL AND COMMON FIELDS.

Chap. 53

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority

Proprietors of general fields, &c. may meet together annually, to make & adopt rules and modes of improvement.

Proprietor of each lot to maintain his part of the whole fence, until, &c.

Justices of the Peace empowered to issue a warrant for a meeting.

The whole general fence shall be measured, & each proprietor's part apportioned.

Charges of dividing, &c. how borne.

of the same, That in any and every town or plantation in this Commonwealth where several allotments of land are enclosed and fenced in one general field, or where they have been so enclosed, fenced and improved, or where all the proprietors of any land shall hereafter see cause to enclose, fence, and improve the same in such manner, such proprietors may, sometime in *March* annually, and from time to time as they judge proper, meet together to make such rules and adopt such modes of improvement as they shall think just and equitable, and most for the general benefit; and the proprietor or proprietors of each lot respectively, during the time of his or their pasturing, planting, mowing, or otherwise improving his or their part in such general field, shall make and maintain his or their respective part of the whole fence, according to the quantity of acres of land contained in his or their allotment, until the major part of the propriety, at a meeting of such proprietors legally warned for that purpose, shall see cause to alter the form of their improvement. And for the better enabling such proprietors to call a meeting for the ends aforesaid, it shall be in the power of any Justice of the Peace for the county where such lands lie, upon application to him made by any two of the proprietors of such general fields, to issue out a warrant for such meeting: which warrant and also the notification of the meeting shall express the business thereof and shall be conducted in the same manner as those for calling a meeting of proprietors of common lands prescribed by "An act relating to lands, wharves and other real estate undivided and lying in common," passed *March* 10, 1784. And the whole general fence shall be measured, and each proprietor's part set out and apportioned by two or three discreet, indifferent persons appointed and sworn for that purpose, by any Justice of the Peace for the said county, unless the major part of the propriety agree and proportion the same among themselves. And when the proportion of each proprietor in such general fence is adjusted and determined, the same shall be entered upon record by the Clerk of the propriety; and where there is no such Clerk, by the Clerk of the town wherein the land lies, any law, usage or custom to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That the charge arising by dividing and setting off the several parts of such fence to and among the proprietors

of lands enclosed and fenced in one general field, and also the charge of making and maintaining of such fence as cannot justly be set off to any particular proprietor or proprietors, as his or their part, shall be borne by the several proprietors in proportion to their respective interests in such field.

And be it further enacted by the authority aforesaid,

That the proprietors of such general fields respectively shall be, and are hereby, fully authorized and empowered in a proprietors meeting for that purpose regularly convened, by a major vote of the proprietors then present (the vote to be collected according to the interest of the proprietors) to agree upon and pass one or more votes for the raising and collecting such sum or sums of money from time to time as they shall judge necessary for defraying the charges aforesaid, and for carrying on, or managing, any common affairs relating to such proprietors; and that they be alike empowered to choose three or five Assessors for the assessing and apportioning such sum or sums so agreed on and voted upon the proprietors of such fields, according to their several interests therein; and to appoint a Collector or Collectors to gather in and collect the same; which Collector or Collectors shall be, and are hereby, fully empowered to levy and collect the sum or sums so set and apportioned for such proprietors to pay, in the same manner as Constables of towns within this Commonwealth are empowered to levy and collect the public rates or taxes; and to pay in the same to the proprietors or their Clerk, who is hereby empowered to grant warrants, for the levying and collecting such assessment at such time as shall be by them appointed for the payment thereof; and such Clerk shall be accountable to the proprietors therefor: the person or persons so assessing the said proprietors, and the Collector or Collectors, that shall be so appointed for the gathering and collecting the sum or sums so granted and agreed upon by the said proprietors to be assessed and collected as aforesaid, shall be under oath for the true and faithful performance of their services respectively; which oath shall be administered to them as the law provides for swearing town officers.

Provided nevertheless, That any such proprietor who apprehends himself aggrieved, or overrated in the making or apportioning such assessment, shall have liberty to

Proprietors empowered to raise such sums of money as they shall judge necessary.

To choose Assessors and Collectors.

Proprietors' clerk empowered to grant warrants for levying and collecting assessments.

Assessors and Collectors to be under oath.

Proprietors aggrieved or overrated, at liberty to apply

for relief to the Court of Sessions.

apply to the Justices of the General Sessions of the Peace in the respective counties where such fields lie for relief; and in such case the said Justices are hereby fully empowered to grant relief accordingly; and their judgment shall be final.

Haywards or field drivers may be chosen.

And be it further enacted by the authority aforesaid, That the proprietors aforesaid, or the major part of such of them as shall be present at a meeting legally warned for that purpose, may choose haywards or field drivers, who shall be under oath, and shall have the same powers as if they had been chosen by a town.

Proprietors trespassing, shall be proceeded with as if they owned no land in the field.

And be it further enacted, That if any proprietor in any common or general field shall put, or cause to be put therein any horse, cattle, sheep, or other creature, over and above the number allowed him, or before the day agreed upon; or keep them longer there than the time set and limited, by a major vote of the proprietors, he shall be deemed a trespasser; and his creatures so put in shall be proceeded with by any of the proprietors as creatures taken damage faisant, to all intents and purposes, as much as if he owned no land within such general field.

Trespasses done by reason of the insufficiency of fences adjoining, damages shall be answered according to appraisement.

And be it further enacted by the authority aforesaid, That when and so often as any trespass or trespasses, shall be done in any common or general field by reason of the insufficiency of the fence belonging to any person owning the adjoining land, the party or parties injured shall forthwith procure two sufficient persons of good repute to view and adjudge of the damage done, giving notice of such trespass to the owner or claimer of the horse, cattle, sheep or other creature, that did the same (if he be known and resident in the same town or near thereto) that he may be present, and nominate one of the appraisers of such damage, if he see cause: and the damage shall be answered according to such appraisement. And where damage happens through the insufficiency of the fence, the owner or occupant of the land to which the defective fence belongs, shall be liable to answer and make good all such damage.

Each proprietor shall once in two years run lines, &c.

And be it further enacted, That each proprietor of lands lying unfenced, or in any common field, shall once in two years, on six or more days warning, previously given him by the proprietor or proprietors of the land next adjoining, run the lines, and make or keep up the boundaries between their respective lands by sufficient near-stones,

on pain that every party so neglecting or refusing, shall forfeit the sum of *ten shillings* to the party moving, or requesting to run the line; the conviction of such neglect or refusal, being had before any Justice of the Peace within the same county, who is hereby empowered to hear and determine the case.

Forfeiture for neglect.

And be it further enacted, That it shall and may be lawful, to and for the proprietors who own the major part of the interest or property in any common or general field, at a legal meeting to be warned for that purpose, to dissolve and discontinue such field; six months being allowed to elapse before such discontinuation.

Proprietors may dissolve and discontinue their general field

Provided always, and be it further enacted, That nothing contained in this act shall prevent or hinder the proprietors of any such common field already fenced, from making and maintaining their fences according to rules and orders formerly agreed on by them at any meeting legally warned.

Proviso.

And be it further enacted by the authority aforesaid, That at every meeting of such proprietors, the votes shall by the Moderator be collected and counted according to the interests of the proprietors present, where such interests are known. And whereas it often happens that horses, cattle, and other creatures, are clandestinely turned into general fields, or being unruly, break into the same, in places where the fence is good and sufficient according to law; and when in such cases proprietors of general fields impound horses, cattle, or other creatures, the owners replevy them because the fence enclosing the general field is deficient in some distant place from that where the horses, cattle, or other creatures, entered the same, and in consideration of such deficiency judgment is unreasonably recovered against such proprietors:

Votes to be collected & counted according to the interest of the proprietors present at meetings.

Be it therefore further enacted by the authority aforesaid, That whenever horses, cattle, or other creatures, shall be clandestinely turned into any general field, or, being unruly, break into the same, and shall be taken and impounded by a proprietor thereof, and a writ of replevin shall be purchased by the owner of the horses, cattle, or other creatures, so impounded, for the purpose of replevying them, it shall be in the power of the Court or Justice before whom the action shall be brought, to give judgment in favour of the proprietor of the general field, upon his producing satisfactory evidence to the said Court or

When horses, cattle, &c. are clandestinely turned into any general field, & are impounded, and a writ of replevin is purchased by the owner, judgment may be given in favour of the proprietor of the field.

Justice, that the horses, cattle, or other creatures, replevied as aforesaid, were either clandestinely turned into the general field or broke into the same in a part thereof where the fence was good and sufficient according to law, some other parts of the fence enclosing the general field being deficient notwithstanding.

And whereas it often happens in fencing general fields, for the conveniency of fencing, considerable quantities of rocky and barren land not capable of tillage, are taken into such fields, the owners of which may be obliged to make fence, and also pay taxes equally with the other proprietors whenever an assessment is made by the proprietors of such field; which is very unjust:

Owners of rocky or barren lands, not obliged to make any part of the fence, &c.

Be it therefore further enacted, That all lands now lying in general fields, or that hereafter may be taken into the same, that are so rocky or barren that the owners thereof have never improved them, either by mowing, plowing, or feeding, such owners shall not be obliged to make, on account of such lands, any part of the fence in compassing such general fields: nor shall they be taxed for them in any rate or tax, raised by the proprietors of such field, until they shall make improvement thereon.

Not to be taxed until they make improvement.

And whereas the minor part of the owners or proprietors of common fields in some instances have been and may be desirous of a partition of such field into two or more distinct fields from a persuasion that their shares or lots might (if separated and fenced off from the rest) be improved much more to their advantage in some manner different from that agreed on by the majority. To the end therefore that such of the owners as are or may be so minded, may not be unreasonably restrained by the rest from having such partition:

Manner of proceeding, when any three or more proprietors are desirous of a partition into two or more fields.

Be it enacted by the authority aforesaid, That when any three or more of the owners or proprietors of lots in any common or general field lying within one general fence or enclosure, shall make application in writing under their hands to the proprietors of such field (at any meeting legally warned for that purpose) to have the lots or shares of the owners or proprietors so applying, or theirs with other lots or shares (taken together) to make one entire field, to be separated from the rest by one common fence, and to be improved as a distinct and separate, but common field; in such case, if the proprietors who have the greater part of the interest among those who are

present at such meeting, shall withhold, or refuse their assent to such division or partition, it shall and may be lawful for the Justices of the Court of General Sessions of the Peace for the said county, upon application made to them, to appoint a committee of five freeholders within the said county, (under oath) to make the partition prayed for, if it shall appear to such committee to be expedient, and to assign to each field its part or proportion of the divisional fence in consequence of such partition, to be made, kept up and maintained by the proprietors of the respective common fields; and the return being made under the hand of the major part of such committee, and accepted by the said Court of Sessions, the fields so separated shall be considered as distinct and separate common fields, and the owners or proprietors of each field, a distinct and separate propriety, as fully to all intents and purposes whatsoever, as the owners or proprietors of such general field were considered before such partition was made. *Provided*, That no order for partition be made, or committee appointed, until the rest of the proprietors have been duly notified of such application, and opportunity given them to make their objections thereunto; which notice shall be given by serving the Clerk of such proprietors with a copy of such written application, thirty days at least before such order or appointment be made; and every committee that shall be appointed and employed as aforesaid, shall make return of their doings in writing under their hands, unto the said Court, as soon after as may be, for acceptance and confirmation: and the proprietors whose interest shall be so set off, as well as the remaining proprietors, shall have and enjoy all the powers and privileges which the proprietors of general fields are by law vested with.

Proviso.

February 24, 1786.

1785. — Chapter 54.

[February Session, ch. 16.]

AN ACT TO SET OFF JONATHAN PEARSON FROM THE SOUTH PARISH IN IPSWICH, IN THE COUNTY OF ESSEX, AND TO ANNEX HIM TO THE FIRST PARISH IN ROWLEY. Chap. 54

Whereas for the greater convenience of attending the public worship of God, it is found expedient to set off Jonathan Pearson and family with two pieces of land, the first Preamble.

piece with the dwelling house and other buildings thereon, containing about thirty-three acres, bounded easterly by the country road, southerly by land of Purchase Jewett, westerly by lands of Peletiah Kinsman and Nathaniel Farley, northerly by lands of Stephen Jewett, and Daniel Dresser, to the road first mentioned; the second piece containing about eight acres and bounded as follows, viz.: beginning at the easterly corner thereof, thence running southwesterly by land of said Nathaniel Farley; thence northwesterly by other land of said Pearson; thence northeasterly by land of Eliphalet Jewett; thence southeasterly by land of Stephen Jewett to the bounds first mentioned; from the south parish in Ipswich, to the first parish in Rowley.

Jonathan Pearson, &c. set off.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the abovesaid Jonathan Pearson with his family, land and buildings as above described, be, and they hereby are, set off from the south parish in Ipswich and annexed to the first parish in Rowley, and shall forever hereafter be considered as belonging to the said first parish in Rowley, for the purpose of being held and obliged to pay their respective proportions of all taxes for the support of the gospel, that may arise within the same.

February 25, 1786.

1785. — Chapter 55.

[February Session, ch. 17.]

Chap. 55 AN ACT FOR INCORPORATING THE NORTHERLY PARISH IN THE TOWN OF SHREWSBURY, IN THE COUNTY OF WORCESTER, INTO A SEPARATE TOWN, BY THE NAME OF BOYLSTON.

Boundaries.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the lands hereinafter described, viz.: Beginning at Worcester town line at a heap of stones, between Nathaniel Haywood's and Jonathan Lovell's, and running east nine degrees north, seventeen rods and an half; thence north, six degrees east forty rods; thence east thirteen and a quarter degrees north, one hundred and seventy-eight rods; thence east twenty degrees north till you come to the lands of Nathan Bannister; thence south sixteen degrees west thirty-five rods; thence east twelve degrees north, one hundred and sixty-six rods; thence north twenty-six degrees east, seventy-four rods; thence

east twenty degrees north till you come to the land of *Jonathan Fassett's*, thence south forty degrees east sixty-two rods; thence west twenty-nine degrees south forty-four rods; thence south two degrees west thirty-seven rods; thence east thirteen degrees north one hundred and fourteen rods; thence south twenty-one degrees west forty-eight rods; thence east forty-three degrees south thirty-four rods; thence east twenty-four degrees south twenty-nine rods, to *Northborough* town line; bounding south on *Shrewsbury*, easterly on the towns of *Northborough* and *Berlin*, northerly on the towns of *Lancaster* and *Sterling*, and westerly on the towns of *Holden* and *Worcester*, be, and they hereby are, incorporated into a town by the name of *Boylston*: and said town is hereby invested with all the powers, privileges and immunities that any town within this Commonwealth is entitled unto, agreeably to the constitution and laws of this Commonwealth.

Incorporated & invested with powers.

And be it further enacted, That the inhabitants of said town of *Boylston* shall pay their proportion of all taxes already granted to be raised in the said town of *Shrewsbury*.

To pay their proportion of taxes already granted.

And be it further enacted by the authority aforesaid, That the weights and measures, one half of the town's securities and town stock, which were the property of the town of *Shrewsbury*, shall remain the property of *Shrewsbury*; and the other half shall be the property of *Boylston*; and that the poor shall be apportioned and supported, according to the vote of the said town of *Shrewsbury*, passed the second day of *January* in the present year.

Town stock, &c. to be divided.

And be it further enacted, That *Joseph Wheeler*, Esq; be, and hereby is, empowered to issue his warrant, directed to some principal inhabitant, requiring him to warn and give notice to the inhabitants of the said town of *Boylston* to assemble and meet at some suitable time and place in the said town, to choose all such officers as towns by law are required to choose at their annual town meeting in the month of *March*.

Joseph Wheeler, Esq; to call a meeting.

March 1, 1786.

1785.—Chapter 56.

[February Session, ch. 18.]

AN ACT FOR ANNEXING THAT PART OF THE PLANTATION CALLED *FLINTS TOWN*, WHICH LAYS IN THE COUNTY OF *YORK*, TO THE COUNTY OF *CUMBERLAND*.

Chap. 56

Whereas the dividing line between the counties of York and Cumberland, runs through the plantation of Flints Town, which is inconvenient: Therefore

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the passing of this act, all that part of the said plantation, which now lies in the county of York, be, and it hereby is, set off and annexed to the county of Cumberland, and shall henceforth be considered as part of the same; any law to the contrary notwithstanding.

March 3, 1786.

1785. — Chapter 57.

[February Session, ch. 19.]

Chap. 57 AN ACT REPEALING ONE CLAUSE OF AN ACT, PASSED IN THE YEAR ONE THOUSAND SEVEN HUNDRED AND EIGHTY, ENTITLED, "AN ACT FOR INCORPORATING THE EASTERLY PART OF THE TOWN OF *SUDBURY*, IN THE COUNTY OF *MIDDLESEX*, INTO A SEPARATE TOWN, BY THE NAME OF *EAST SUDBURY*;" AND FOR PRESCRIBING THE MANNER IN WHICH THE BRIDGES AND LONG CAUSEWAYS IN THE TOWN OF *EAST SUDBURY*, POINTED OUT IN THE SAID ACT, SHALL BE SUPPORTED AND MAINTAINED.

Preamble.

Whereas by the said act, it is enacted, "That the inhabitants of the said town of East Sudbury, and the town of Sudbury, shall support and maintain the bridges and long causeways, over the river and meadows near Mr. Jonathan Carter's within the town of East Sudbury, notwithstanding said bridges and causeways lying within the town of East Sudbury, in equal proportion between the said town of East Sudbury, and the town of Sudbury." And whereas it is found to be inexpedient that the said town, should any longer support and maintain the said bridges and causeways in common or jointly:

Paragraph repealed.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the before recited enacting paragraph, in the said act, be, and it hereby is, repealed.

Manner in which the bridges, &c. shall be maintained.

And be it further enacted by the authority aforesaid, That the town of Sudbury shall, from and after the passing of this act, support and maintain the Canal Bridge, so called, and the butments of the said bridge, and sixty-four poles or perch of the long causeway adjoining to the said Canal Bridge, and lying on the south westerly side of the same, viz.: beginning at the south-westerly butment of said Canal Bridge, and from thence running on the said causeway, towards the town of Sudbury, to the

utmost extent of sixty-four poles ; said bridge and causeway lying in the town of *East Sudbury*, notwithstanding ; and that the town of *East Sudbury* shall, from and after the passing of this act, support and maintain all the bridges and causeways mentioned in that clause of the aforesaid act which this repeals ; excepting only such part thereof as by this act the town of *Sudbury* are held to support and maintain.

March 3, 1786.

1785. — Chapter 58.

[February Session, ch. 4.]

AN ACT TO PREVENT GAMING FOR MONEY, OR OTHER PROPERTY. *Chap. 58*

Whereas the practice of gaming for money or other property, is not only injurious, in a high degree, to the individuals concerned therein, but also in its tendency, ruinous and destructive to the State :

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That all notes, bills, bonds, judgments, mortgages, or other securities or conveyances, whatsoever, given, granted, drawn, entered into, or executed by any person or persons whatsoever, where the whole, or any part of the consideration of such conveyances or securities shall be for any money or other valuable thing whatsoever, won by gaming or playing at cards, dice or any other game or games whatsoever, or by betting on the side or hands of any person gaming, or for the reimbursing, or repaying any money knowingly lent, or advanced for any gaming or betting, or lent and advanced at the time and place of such play, to any person or persons, so gaming or betting, or that shall during such play, so play or bet, shall be void and of no effect ; and that where such mortgages, securities, or other conveyances shall be of lands, tenements or hereditaments, or shall be such as incumber or affect the same, — such mortgages, securities or other conveyance, shall enure, and be to the sole use and benefit of such person or persons, as should, or might have, or be entitled to such lands, tenements or hereditaments, in case the said grantor or grantors thereof, or the person or persons so incumbering the same, had been naturally dead ; and that all grants or conveyances to be made for the preventing of such lands, tenements or hereditaments from

Notes, bonds, &c. given for property won by gaming, declared void.

coming to, or devolving upon such person or persons, hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent, void, and of no effect, or purpose whatever.

Persons losing money, &c. by gaming, may sue for and recover the same of the person winning, with costs of suit.

And be it further enacted, That any person or persons, who shall at any time, or sitting, by playing at cards, dice, or any other game or games whatsoever, or by betting on the sides or hands of such as do game, lose to any one or more person or persons, so playing or betting, any sum or sums of money, or any other valuable thing whatsoever, and shall pay or deliver the same, or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, or damages, to the full value of the same, from the respective winner or winners thereof, with costs of suit, by action to be commenced within three months next after the losing, paying or delivering the same, in which it shall be sufficient for the plaintiff to alledge, in an action of assumpsit, that the defendant had received to the plaintiff's use the money so lost and paid; and in an action of trover for the goods so lost and delivered, that they came to the hands of the defendant without mentioning in the declaration the particular manner and occasion of the goods or monies being lost; and in case the person or persons who shall lose such money or other thing as aforesaid, shall not within the time aforesaid really and truly, without coven or collusion, sue and with effect prosecute for the money or other thing so by him or them lost and paid or delivered as aforesaid, it shall and may be lawful to and for any person or persons to sue for and recover treble the value of the money, goods or chattels, with full costs of suit, by action of debt upon this statute, against such winner or winners as aforesaid, one moiety thereof to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the town where the offence shall be committed.

In case the person losing shall not sue within 3 months, it may be lawful for any other person to sue for and recover treble the value.

Persons convicted of winning money, &c.

And be it further enacted, That any person who shall be convicted on an indictment of the Grand Jury, before the Court of General Sessions of the Peace, or the Supreme Judicial Court, of winning at any one time or sitting, of any person or persons, by gaming or betting as aforesaid, in money, goods or chattels, to the value of *twenty shillings* or upwards, and of receiving the same, or security

therefor, shall, besides forfeiting double the amount or value of the money, goods or chattels so won and received, to the poor of the town where the offence is committed, be adjudged incapable of holding, keeping or sustaining, directly or indirectly, any office of honour or profit in this Commonwealth, for the term of twelve months from the time of such conviction: *Provided always*, such indictment be found within eighteen months next after the offence committed.

Forfeiture.

And be it further enacted, That in suits hereafter brought by the person losing money, goods or chattels against the person winning the same, when it shall appear from the declaration, that the goods, said to be lost came to the hands of the defendant, by gaming, or the money he had received was by gaming, then, and in such case, if the plaintiff shall offer to make oath, and if required by the Court where the trial is, shall actually swear to the losing the money, goods or chattels by gaming with the defendant, at the time and place alleged, judgment shall be rendered for the plaintiff to recover damage, to the amount of the goods or money the defendant has received of the plaintiff by gaming, with costs of suit, unless the defendant will swear that he did not receive of the plaintiff the money, goods or chattels for which he is sued, or any part of them, by gaming; and when the defendant discharges himself on oath as aforesaid, he shall recover of the plaintiff his reasonable costs.

Suits brought against persons winning, how conducted.

Provided nevertheless, That nothing in this act shall be so construed as to prevent the supporting and proving any declarations on the aforesaid actions, in the same manner as other declarations are proved, but it shall be considered as optional with the plaintiff either to proceed in proving his declaration in the way specially provided in this act, or in the same way other declarations are proved; any thing herein to the contrary notwithstanding.

Proviso.

And be it further enacted, That if any person shall play at cards, dice or billiards, or with any other implements used in gaming, in any tavern or house of entertainment, or place licensed for retailing spirituous liquors, or in any of the out houses, yards, gardens or appendages of the same, or shall in any of the houses or licensed places aforesaid, expose to view any of the implements aforesaid, or shall be seen sitting at any table therein with any of the said implements before him, and shall be convicted thereof

Penalty for playing at cards, dice or billiards, at any house of entertainment.

before any Justice of the Peace, or any Court of General Sessions of the Peace, on the presentment of a Grand Jury, the person so offending shall forfeit and pay a sum not less than *five*, nor more than *sixty shillings*, to the use of the poor of the town where the offence shall be committed.

March 4, 1786.

1785. — Chapter 59.

[February Session, ch. 20.]

Chap. 59 AN ACT FOR ADJOURNING *NORTHAMPTON* COURT, AND TO AUTHORIZE ANY TWO OF THE JUSTICES OF THE SUPREME JUDICIAL COURT TO DO AND PERFORM THE BUSINESS OF THE SAID COURT, IN THE COUNTIES OF *PLYMOUTH* AND *BARNSTABLE* RESPECTIVELY, AT THE NEXT SESSION OF THE SAID COURT, IN THE SAID COUNTIES, IN THE MONTH OF *MAY*, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SIX.

Preamble.

Whereas the suits civil and criminal, now pending in the Supreme Judicial Court in the Counties of Worcester and Hampshire, are so numerous that the time by law allowed the Justices of the Supreme Judicial Court to hear and determine the same, with such others as will probably be pending therein at their next session in the said counties respectively, will be quite insufficient for that purpose:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the Supreme Judicial Court by law to be holden at Northampton, within and for the county of Hampshire, on the last Tuesday of April next, be, and hereby is, adjourned unto the first Tuesday of May next, then to be held at Northampton aforesaid, within and for the county of Hampshire, and all matters civil or criminal now pending, or that may be there pending on the said last Tuesday of April, shall be heard, tried, adjudged and determined in the same Court, on the first Tuesday of May next, in the same way and manner as though the said Court had not been adjourned. And that the Justices of the same Court, or any three of them, may have sufficient time to hear and determine the several matters and things that may be pending thereat, on the said first Tuesday of May, in the said county:

Northampton
Court ad-
journd, &c.

Any two Jus-
tices declared a
quorum.

Be it further enacted by the authority aforesaid, That any two of the Justices of the Supreme Judicial Court for the time being, may and shall be a quorum for hearing and determining the several matters and things, civil and

criminal, pending in the same Court, in the counties of *Plymouth* and *Barnstable* respectively, at the time assigned by law for holding the said Courts in the month of *May*, one thousand seven hundred and eighty-six, as fully and effectually as any three or more of them might or could, had this act never been made. And in case, from any unforeseen event, two of the Justices of the same Court shall not meet on the day assigned for holding the said Courts respectively, any one of them is hereby authorised, by writ under his hand and seal, to adjourn the same to a future day, in the same way and manner any two of the said Justices now may by law adjourn the Supreme Judicial Court, any former law, usage or custom, to the contrary notwithstanding.

March 6, 1786.

1785. — Chapter 60.

[February Session, ch. 21.]

AN ACT TO SET OFF *DANIEL FAY, ELISHA BEMIS, PHINEAS BEMIS, JOHN LEONARD AND LYDIA PEIRCE*, FROM THE TOWN OF *FRAMINGHAM*, IN THE COUNTY OF *MIDDLESEX*, AND TO ANNEX THEM TO THE TOWN OF *SOUTHBOROUGH*, IN THE COUNTY OF *WORCESTER*. Chap. 60

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the aforesaid Daniel Fay, Elisha Bemis, Phineas Bemis, John Leonard, and Lydia Peirce, together with the lands contained within the following lines, viz. : — Beginning at Southborough line at Stone's corner, so Boundaries.
called; thence running south, six degrees west, one hundred and ninety poles, to a small white ash tree, by *Sudbury* river; thence running up said river by the same, until it comes to *Southborough* line; thence on said line to the first mentioned bound, be, and they are, hereby set off from the town of *Framingham* and annexed to the town of *Southborough*, there to do duty and enjoy privileges: and the said inhabitants and lands shall be considered as belonging to the county of *Worcester*, and the two lines herein first mentioned shall be considered as lines betwixt the county of *Worcester* and the county of *Middlesex*.

Provided always, That the persons and lands above-mentioned shall be holden to pay all taxes which, before the passing of this act, have been legally assessed on them by the town of Framingham, in the same manner as though this act had not been passed.

March 7, 1786.

1785. — Chapter 61.

[February Session, ch. 22.]

Chap. 61 AN ACT FOR ESTABLISHING THE TIMES AND PLACE OF HOLDING THE COURT OF COMMON PLEAS, AND THE COURT OF GENERAL SESSIONS OF THE PEACE, IN THE COUNTY OF BERKSHIRE.

Preamble.

Whereas the town of Lenox, in the county of Berkshire, on account of its central situation, appears to be the most suitable place for holding the Court of Common Pleas, and the Court of General Sessions of the Peace within and for said county of Berkshire, and also the most likely to give general satisfaction to the inhabitants of said county:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That from and after the first day of January, in the year of our Lord, one thousand seven hundred and eighty-seven, the Court of Common Pleas, and the Court of General Sessions of the Peace, which have heretofore been held in the towns of Great Barrington and Pittsfield, in said county of Berkshire, be holden in the town of Lenox, within said county, on the same days as by law they have been accustomed to be held in the towns of Great Barrington and Pittsfield: and the said town of Lenox shall hereafter be considered as the shire town in the said county of Berkshire; any act or law to the contrary notwithstanding.

Provided nevertheless, That this act shall take effect on condition that the town of Lenox advance the sum of Eight hundred pounds towards erecting convenient buildings, agreeably to their own stipulation with the said county of Berkshire, and not otherwise.

March 9, 1786.

1785. — Chapter 62.

[February Session, ch. 23.]

Chap. 62 AN ACT TO PREVENT TENANTS IN COMMON, JOINT TENANTS AND COPARCENERS, FROM COMMITTING WASTE, AND FOR MAKING PARTITION OF THEIR INTERESTS, AND ALSO DIRECTING HOW JOINT TENANCIES SHALL BE CREATED.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any person holding any lands in common and undivided, shall cut down, destroy or carry away

Penalty for cutting down or destroying any trees, &c.

any trees, timber, wood or underwood whatsoever, standing or lying on such lands, or shall dig up or carry off any stone or ore, or any other valuable matter, or make any other strip or waste thereon, without first giving notice in writing under his or their hands, unto all the persons interested therein, or to their agents, factors or attorneys, forty days before hand, setting forth that he or they have occasion for, and shall enter upon and improve such lot or lots of land lying in common as aforesaid, he shall forfeit and pay the sum of *forty shillings* for every tree measuring one foot diameter, at the distance of two feet from the ground, and for all trees of greater dimensions three times the value thereof, besides *forty shillings* as aforesaid, and *twenty shillings* for every tree or pole under the dimensions of one foot diameter, and for other wood or underwood so cut down, destroyed or carried away, treble the value thereof, and treble damages for any other strip or waste. The said forfeitures may be recovered by any one or more of the persons interested in the same lands who may prosecute and sue for the same in an action of trespass in his or their own names, as well on the behalf of the other co-tenants except the defendant, without being held to name them in the writ, as of him or themselves, one moiety of the aforesaid penalties to be for the use of such person or persons who shall sue for the same, and the other to and for the use of all the co-tenants, excepting the defendant, in proportion to their respective interest in the land where the trespass hath been committed. How recovered.

And be it further enacted by the authority aforesaid, That all persons having or holding, or that hereafter shall have or hold, any lands, tenements or hereditaments, as tenants in common, joint tenants or coparceners, may be compelled by writ of partition at the common law, to divide the same. And when any writ shall be brought and served at the suit of any one or more persons so interested in any lot or lots of land, tenements or hereditaments, or a petition shall be pending in Court for a partition of the same, no person or persons whatsoever having a right or interest in any such lands, tenements or hereditaments, or holding any part or share of the same in common as aforesaid, while such suit or petition is depending, shall or may cut down, destroy or carry away any trees, timber, wood or underwood, stone or ore or other valuable matter

Persons holding lands, &c. as tenants in common, may be compelled to divide the same.

Penalty for committing waste, before partition can be made.

whatsoever standing, growing or lying on or belonging to such lands, or shall otherwise hurt or damage any such lands, tenements or hereditaments, until partition can be made of the same according to law, on pain that every person or persons so offending shall incur the like forfeitures and penalties as are before in this act mentioned, to be recovered in like manner as beforenamed; and for such uses as are beforementioned and declared.

And to prevent any doubts respecting the manner heirs are to prosecute in the Courts of law, for possession of inheritance descended to them from a common ancestor :

Manner heirs are to prosecute for possession of inheritance.

Be it further enacted by the authority aforesaid, That in actions of waste, ejectment, or other real actions, where possession of the inheritance alleged to have descended, is the object of the suit, they may all, or any two or more of them join therein, or each one may prosecute for his particular share of such inheritance, and the same rule shall extend to joint tenants who are or may be disseized.

And whereas it often happens that estates in joint tenancy, are created against the intentions of the parties to gifts, grants, feoffments and other conveyances, and also of testators, through the want of the knowledge of the proper terms to create estates in common, and the latter estates are more beneficial to the Commonwealth, and consonant to the genius of Republicks :

How gifts, grants, and other conveyances of lands, &c. made to two or more persons, shall be taken, deemed and adjudged.

Be it further enacted by the authority aforesaid, That all gifts, grants, feoffments, devises, and other conveyances of any lands, tenements, and hereditaments, which have been, or shall be made to two or more persons, whether for years, for life, in tail or in fee, shall be taken, deemed and adjudged, to be estates in common, and not in joint tenancy, unless it has been or shall be therein said, that the grantees, feoffees or devisees, shall have or hold the same lands, tenements or hereditaments jointly, or as joint tenants, or in joint tenancy, or to them and the survivor or survivors of them, or unless other words be therein used, clearly and manifestly showing it to be the intention of the parties to such gifts, grants, feoffments, devises or other conveyances, that such lands, tenements and hereditaments should vest, and be held as joint estates, and not as estates in common.

Proviso.

Provided nevertheless, where any estate has already vested in the survivor or survivors, upon the principle of joint tenancy, it shall be held in like manner, as it would

have been held if this act had never been passed; any thing therein to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That the act entitled, “An act to prevent coparceners, joint tenants and tenants in common, from committing waste, and for making partition of their interest; and for abolishing the principle of survivorship in joint tenancy,” passed *March* sixteenth, one thousand seven hundred and eighty-four, be, and hereby is, repealed. — This act to be in force from and after the first day of *June, Anno Domini*, one thousand seven hundred and eighty-six.

Former act
repealed, &c.

March 9, 1786.

1785. — Chapter 63.

[February Session, ch. 24.]

AN ACT FOR ALTERING THE PLACE OF HOLDING ONE TERM OF THE COURT OF COMMON PLEAS, AND COURT OF GENERAL SESSIONS OF THE PEACE, IN THE COUNTY OF LINCOLN; AND FOR ESTABLISHING AN ADDITIONAL TERM OF THE SAID COURTS, WITHIN THE SAME COUNTY.

Chap. 63

Whereas the extensive settlements and increased population of the county of Lincoln, make it necessary to the convenience of the people, that an additional term of the Court of Common Pleas, and of the Court of General Sessions of the Peace, should be established in the said county, and that a more equal distribution of the said Courts, should speedily take place within the same:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the several Courts of Common Pleas, and Courts of General Sessions of the Peace, within, and for the county of *Lincoln*, shall in future be holden at the times and places hereinafter mentioned, and not otherwise, any law to the contrary notwithstanding; *that is to say*, one session of each of the said Courts, shall in future be holden at *Pownalborough* in said county, on the first Tuesday of *June*, annually; one session of each of the said Courts, shall be holden at *Waldoborough* in the said county, on the second Tuesday of *September* annually; and that one session of each of the said Courts, shall be holden at *Hallowell*, in the same county, on the second Tuesday of *January* annually.

Times & places
of holding
courts in the
county of
Lincoln.

And be it further enacted by the authority aforesaid,

Actions entered at the Court to be holden at Hallowell, may be continued to the Court at Pownalborough.

That when and so often as any action or actions, shall be entered and prosecuted at the Court of Common Pleas, to be holden at *Hallowell* as aforesaid, by any inhabitant or inhabitants of the said county, against any person or persons, who at the time of the commencement thereof, shall be an inhabitant or inhabitants of that part of the said county, which lies to the eastward of *Damascotta River* and *Damascotta Great Pond*, so called, the Justices of the Court shall *ex officio*, continue every such action or actions, to the then next Court of Common Pleas, to be holden at *Pownalborough* as aforesaid, unless the defendant or defendants, shall by him, or themselves, or attorney, consent to a trial.

Actions entered at the Court to be holden at Waldoborough, may be continued to the Court at Pownalborough.

And it is further enacted by the authority aforesaid, That when and so often as any action or actions, shall be entered and prosecuted at the Court of Common Pleas, to be holden at *Waldoborough* as aforesaid, by any inhabitant or inhabitants of the said county, against any person or persons who at the time of the commencement thereof, shall be an inhabitant or inhabitants of that part of the said county which lies to the westward of *Sheepscut River*, so called, the Justices of the same Court, shall *ex officio* continue every such action or actions, to the then next Court of Common Pleas, to be holden at *Pownalborough* as aforesaid, except as in the preceding clause of this act is excepted.

Licences to be granted at the Court in Pownalborough.

And it is further enacted by the authority aforesaid, That all licences for innholding, and for retailing of spirituous liquors within the said county, shall in future be granted and allowed, at the Court of General Sessions of the Peace, to be holden annually at *Pownalborough* as aforesaid, any law to the contrary notwithstanding.

And whereas from the events of the late war, a thorough compliance at this time, with the terms of an act of the Legislature of this Commonwealth, made and passed in the present year, entitled, “An act for providing and regulating of prisons” would be peculiarly burthensome and expensive to the good people of the said county; for remedy whereof:

People of the county not held to provide any goal or county house, except in Pownalborough.

It is further enacted by the authority aforesaid, That the people of the said county, shall not be held to provide any permanent county house or goal, within the same, except in the town of *Pownalborough* aforesaid, any thing contained in the said act to the contrary notwithstanding:

Provided always, and it is to be understood, that the Justices of the said Court of General Sessions of the Peace, shall provide, and they are hereby directed and enjoined, to make such provision from time to time, for the securing of prisoners, who may be committed, and for the holding of Courts at *Hallowell* and *Waldoborough* as aforesaid, as shall in their judgment, be best calculated to prevent escapes, and most conducive to the public interest.

March 11, 1786.

1785. — Chapter 64.

[February Session, ch. 25.]

AN ACT FOR ANNEXING A CERTAIN TRIANGULAR PIECE OR PARCEL OF LAND TO THE TOWN OF SANFORD, WHICH NATHANIEL CONANT PURCHASED OF THIS COMMONWEALTH.

Chap. 64

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the aforesaid triangular piece or parcel of land, beginning at the south east corner of *Shapleigh*, from thence running north east seven hundred and sixty rods to the north corner of *Sanford*; from thence north west seven hundred and sixty rods to said *Shapleigh* line; from thence south by said line one thousand and sixty rods to the place where it began, containing eighteen hundred and thirty-nine acres, be, and it hereby is, annexed to the town of *Sanford*, and forever hereafter shall be considered as part of said town.

Boundaries.

March 11, 1786.

1785. — Chapter 65.

[February Session, ch. 26.]

AN ACT GIVING TO PAUL REVERE AND JOHN NOYES, THE EXCLUSIVE PRIVILEGE OF ERECTING A STEAM ENGINE, FOR MANUFACTURING IRON.

Chap. 65

Whereas it is of importance that encouragement should be given to promote useful manufactures in this Commonwealth; and whereas Paul Revere, Esq; of Boston, and John Noyes, of Watertown, gentleman, have represented that by considerable expence, labour and application, they have attained a knowledge of the new invented steam engine, and of manufacturing iron in various ways, not before practised in this Commonwealth; and whereas it

Preamble.

appears to this Court, that the use of said steam engine, and every improvement in the iron manufactory must be greatly beneficial to this Commonwealth, and to the United States: Therefore

Exclusive right
of the use of the
steam engine,
granted.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the exclusive right of the use of the steam engine aforesaid, for manufacturing iron into flat, round, square, hollow, or any other shaped or fashioned bars, or pieces of iron, for any use or purpose whatever, of which they shall produce patterns as herein after provided, in a manner not heretofore used and practised in this Commonwealth, be, and hereby is, granted to, and vested in the said Paul Revere and John Noyes, their heirs and assigns, for and during the full term of fifteen years, from the time they shall establish their manufactory.

Persons making
use of the steam
engine, without
consent.

And be it further enacted by the authority aforesaid, That no person shall from and after the passing this act, and during the said term of fifteen years, make use of the steam engine for manufacturing iron as aforesaid, without the consent and licence of said Revere and Noyes, their heirs or assigns, first had and obtained for that purpose.

Forfeiture.

And be it further enacted, That if any person or persons shall, from and after the passing this act, and during the said term of fifteen years, make use of the steam engine for manufacturing iron as aforesaid, without the consent and approbation of said Revere and Noyes, first had and obtained for that purpose, every person so offending shall forfeit and pay the sum of One hundred pounds, for each time he, she, or they shall so offend, to be recovered in an action of debt, in any Court proper to try the same, by the said Revere and Noyes, their heirs or assigns, to the use of said Revere and Noyes, their heirs and assigns. Provided, and this act is upon this condition, that the said Revere and Noyes, shall within eighteen months from the passing this act, establish their manufactory in this Commonwealth, and shall prosecute the business for the term of fifteen years aforesaid, and shall within the said term of eighteen months aforesaid, exhibit to the Governour and Council, exact patterns, as nearly as may be of the particular articles they mean to manufacture, and also a model and description of the machinery to be made use of in said manufactory.

Proviso.

March 14, 1786.

1785. — Chapter 66.

[February Session, ch. 27.]

AN ACT FOR THE PUNISHMENT OF FORNICATION, AND FOR *Chap. 66*
THE MAINTENANCE OF BASTARD CHILDREN.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That if any man commit fornication with any single woman, upon due conviction thereof, he shall be fined to the use of the county where the crime may be committed, not exceeding the sum of *Five pounds*, nor less than *thirty shillings*; and if he declare himself unable, or shall neglect for the space of twenty-four hours after passing the sentence, to pay the fine and costs, then he shall be whipped, not exceeding ten stripes, at the discretion of the Justices of the Sessions, before whom the matter shall be tried; and the woman so offending, upon due conviction thereof, shall be fined to the use of the county where the crime may be committed, not exceeding the sum of *Three pounds*, nor less than *six shillings*; and if she shall declare herself unable, or shall neglect for the space of twenty-four hours, to pay the fine and costs, then for the first offence, she shall be committed to prison, or to the house of correction, there to remain not more than ten days, nor less than twenty-four hours; and for each offence after the first, she shall pay a fine not exceeding *Six pounds*, nor less than *twelve shillings*; and if she shall declare herself unable, or shall neglect for the space of twenty-four hours, to pay the fine and costs, then she shall be committed to prison, or to the house of correction, there to remain not more than thirty days, nor less than forty-eight hours.

Penalty for
committing
fornication.

Provided nevertheless, If any woman guilty of the crime aforesaid, shall appear before any Justice of the Peace within the county where such offence may be committed, and confess herself to be guilty as aforesaid, and offer to pay into the hands of the said Justice, for the first offence, the sum of *six shillings*, and for any offence after the first, the sum of *twelve shillings*, it shall be the duty of such Justice to receive said fine, or to bind her over to the next Court of General Sessions of the Peace, to be holden within and for said county, at his discretion; and a certificate of the payment of the said fine, signed by the same Justice, and filed in the Clerk's office of the Court of the General Ses-

Proviso, when
any woman
shall confess
herself guilty
before a Justice
of the Peace.

sions of the Peace, shall be a full bar to any process against her for the same offence, unless such process be commenced previous to the filing of the said certificate in the Clerk's office as aforesaid.

When any woman is delivered of, or is pregnant with a bastard child, and shall accuse any man of being the father, &c. he shall be adjudged the reputed father.

And be it further enacted by the authority aforesaid, That whenever any woman who hath been delivered of a bastard child, or being pregnant with a child, which if born alive may be a bastard, shall accuse any man of being the father thereof, before any Justice of the Peace, upon examination on oath, and being put upon the discovery of the truth respecting the same accusation in the time of her travail, shall thereupon accuse the same person of being the father of the child, of which she is about to be delivered, and shall continue constant in such accusation, and shall prosecute him as the father of such child before the Court of the General Sessions of the Peace, in the manner hereinafter prescribed (in which prosecution she shall be admitted as a competent witness, and her credibility be left to the Jury) he shall be adjudged the reputed father of such child, notwithstanding his denial, and stand charged with the maintenance thereof, with the assistance of the mother, as the Justices of the same Court shall order; and shall give security to perform the said order, and to save the town or place which might be otherwise chargeable with the maintenance of such child, free from charge for its maintenance; and may be committed to prison until he find sureties for the same, unless the pleas and proofs made and produced on the behalf of the man so accused, and other circumstances, be such as the Jury, by whom the issue, whether he is guilty or not guilty, shall be tried, shall find him not guilty; in which case the Justices of the said Court shall acquit him thereof; and the verdict of the Jury of the same Court, whether guilty or not guilty, shall be final respecting such issue. *Provided,* That no woman shall be admitted as a witness as aforesaid, who has been convicted of any crime, which would by law disqualify her from being a witness in any other cause. And every Justice of the Peace, to whom complaint is made by any woman, that she hath been delivered, or is pregnant as aforesaid, and desires a prosecution against the man whom she accuses of being the father of the child, the Justice shall then proceed to take her accusation and examination in writing, under oath, respecting the man so accused, and the time and

Proviso.

Duty of Justices of the Peace, when complaint is made by any woman, that she is pregnant, &c.

place where she was begotten with child, with such other circumstances as he shall judge necessary for the discovery of the truth of such accusation; which examination shall be given in evidence on the trial of the issue; and at his discretion may bind him that is so accused to the next General Sessions of the Peace, with sufficient surety or sureties, to answer to such accusation, and abide the order of Court thereon. And if the woman be not then delivered, or be unable personally to attend the said Court, may order the continuance or renewal of his and her bond, that they may be forthcoming at the next Court of General Sessions of the Peace after the birth of the child; and the continuance of such bonds aforesaid to the next Court of General Sessions of the Peace, entered thereon by order of the said Court (unless the surety or sureties shall object thereto) shall have the same force and effect as a recognizance taken in Court for the next term.

And be it further enacted by the authority aforesaid, That all laws heretofore in force respecting the subject matter of this act, be and they are hereby declared to be repealed: touching all cases, that may happen after the passing of this act.

Laws heretofore
made, repealed.

March 15, 1786.

1785.—Chapter 67.

[February Session, ch. 28.]

AN ACT FOR INCORPORATING CERTAIN PERSONS BY THE NAME
OF THE SCOTS CHARITABLE SOCIETY.

Chap. 67

Whereas a considerable number of persons have for many years associated themselves in the town of Boston, for the purpose of joining their charities, for the relief of certain widows, orphans, and other objects of charity, and have raised a common stock, but are unable to recover the monies they have letten on interest, and to transact the business necessary for supporting the said institution:

Preamble.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That John Scollay, William Erving and James Swan, Esquires, Messrs. Thomas Melville, James Thompson, James Graham, William Doll, William M^cKean, Andrew Drummond and John Young, with such other persons as they may from time to time hereafter admit, be and they hereby are, incorporated and

Society incor-
porated.

Their powers.

made a body politic, by the name of the Scots Charitable Society, and that they, their associates and successors, have perpetual succession, by said name, and have power to make a common seal, and alter the same as they may see fit, and to make by laws for the preservation and advancement of said body (which shall not be repugnant to the laws of this Commonwealth) with penalties, either of disfranchisement from said Society, or of fines not exceeding *forty shillings*.

May sue and be sued, &c.

And be it enacted by the authority aforesaid, That said Scots Charitable Society may sue or be sued in their said corporate capacity, and are hereby licenced and empowered to make purchases, and receive donations of real and personal estates, for the purposes aforesaid, provided the said estates shall not be productive of an annual income exceeding the sum of *Two hundred pounds* per annum, and to manage and dispose of such estates in manner as to them shall appear most fit.

Empowered to meet at such times and places as they shall see fit.

And be it further enacted by the authority aforesaid, That the said Society be, and they hereby are, authorized and empowered to meet at such times and places as they shall see fit (the time and place of holding the first meeting to be determined by the said *John Scollay, William Erving* and *James Swan*, Esq's. or any two of them, and notified in one of the *Boston* newspapers, fourteen days before such meeting) and from time to time to choose such officers, as to them shall seem most suitable. And all instruments to be made for, or in behalf of said Society, shall be executed under the common seal of said Society, and by such persons as the said Society shall appoint.

Proviso.

Provided always, and it is further enacted, That the members of said Society, shall at no time exceed the number of one hundred.

Empowered to receive monies heretofore due to the society.

And be it further enacted, That the Society aforesaid, be, and they hereby are, authorized and empowered to receive to their use, all monies due to the Society, heretofore called the Scots Society in *Boston*, before the passing of this act, and to give receipts for monies they shall receive, to any person or persons who have heretofore given their obligations to the said Scots Society, which are now in the hands of absentees, which receipts may be given in evidence in any action that may hereafter be brought on any obligation of the description aforesaid.

March 16, 1786.

1785. — Chapter 68.

[February Session, ch. 29.]

AN ACT TO RATIFY CERTAIN ASSESSMENTS MADE BY THE PROPRIETORS OF SHAPLEIGH, SO CALLED, IN THE COUNTY OF YORK. Chap. 68

Whereas the proprietors claiming lands under Nicholas Shapleigh, deceased, have represented that in order to raise a sum of money for defraying the necessary expences of securing the title, and bringing forward the settlement of a tract of land in the county of York, incorporated in the year one thousand seven hundred and eighty-five, by the name of Shapleigh, they levied a tax or assessment on the several lots of land throughout the township, notwithstanding the greater part thereof was by the said proprietors, severed and assigned to individuals, prior to the voting or making such assessments; and doubts arising whether the various statutes made for the regulation of proprietors of common and undivided land, will justify proprietors laying any tax or assessment whatever, on such of the lots as have been by the proprietors themselves, severed and assigned to individuals, posterior to such severance or assignment (although the benefits resulting by the money thus assessed, be as great to the lots thus severed and divided, as to the lands remaining in common and undivided after such severance,) and have requested a confirmation of the said assessments: Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the assessments made on the several lots of land in the town of Shapleigh, in the county of York, prior to the incorporation thereof, by the persons who have acted in proprietors meetings, under the character and by the name of the proprietors, claiming lands under Nicholas Shapleigh, late of Kittery, deceased, be, and hereby are, established, ratified and confirmed, and the several lots of land upon which such assessments are laid, shall stand charged, and be liable to the payment thereof, in the same way and manner they would have been in case no severance, assignment or partition had been made to an individual of any particular lot: and the proceedings that have been, or hereafter may be regularly made for the collecting and enforcing the payment of the said several assessments, according to the

Assessments
made prior to
the incorpora-
tion, ratified.

rules and regulations by law prescribed for proprietors of lands, held in common and undivided, shall be held, deemed and taken as valid to all intents, constructions and purposes whatever, as though no actual severance, assignment or partition of the said townships, or any part of it into lots, to hold in severalty, had been made.

Proviso.

Provided always, That nothing in this act shall operate as a bar to any action or suit, that may be brought by any bargainee or vendee, against any bargainor or vendor, his heirs, executors or administrators, upon any deed of bargain and sale, on account of any affirmation or warranty, either express or implied, that the lands in such deed conveyed, were free of all incumbrances; but such bargainee or vendee shall and may prosecute such suit or action, in the same way and manner he might have done, had this act never been made.

March 16, 1786.

1785. — Chapter 69.

[February Session, ch. 31.]

Chap. 69

AN ACT FOR REGULATING MARRIAGE AND DIVORCE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That no man or woman shall intermarry within the degrees hereafter named, *that is to say* : —

Marriages within the degrees named, deemed incestuous.

No man shall marry his

Mother,
Grandmother,
Daughter,
Son's Daughter,
Daughter's Daughter,
Step Mother,
Grandfather's Wife,
Son's Wife,
Son's Son's Wife,
Daughter's Son's Wife,
Wife's Mother,
Wife's Grandmother,
Wife's Daughter,
Wife's Son's Daughter,
Wife's Daughter's Daughter,
Sister,
Brother's Daughter,
Sister's Daughter,
Father's Sister,
Mother's Sister,

No woman shall marry her

Father,
Grandfather,
Son,
Son's Son,
Daughter's Son,
Step Father,
Grandmother's Husband,
Daughter's Husband,
Son's Daughter's Husband,
Daughter's Daughter's Husband,
Husband's Father,
Husband's Grandfather,
Husband's Son,
Husband's Son's Son,
Husband's Daughter's Son,
Brother,
Brother's Son,
Sister's Son,
Father's Brother,
Mother's Brother.

And if any man or woman shall intermarry within the degrees aforesaid, every such marriage shall be deemed,

taken and adjudged incestuous, and shall be null and void ; and the issue of all such incestuous marriages shall be deemed, taken and adjudged illegitimate, and be subjected to all the legal disabilities of such issue.

And be it further enacted by the authority aforesaid, That all marriages, where either of the parties shall have a former wife or husband living at the time of such marriage, shall be absolutely void, and no dower shall be assigned any widow in consequence of such marriage ; and the issue thereof shall be deemed, taken and adjudged illegitimate, and be subject to all the legal disabilities of such issue.

Marriages where either of the parties have a former wife or husband living, shall be void.

And it is further enacted by the authority aforesaid, That divorces from the bond of matrimony shall be decreed, in case the parties are within the degrees aforesaid, or either of them had a former wife or husband alive at the time of solemnizing such second marriage, or for impotency or adultery in either of the parties, and for no other cause ; and that divorce from bed and board may and shall be granted for the cause of extreme cruelty in either of the parties.

In what cases divorces shall be decreed.

And be it further enacted by the authority aforesaid, That when it shall appear that the adultery or cruelty complained of is occasioned by the collusion of the parties, and done with an intention to procure a divorce, or that both parties have been guilty of adultery, in such case, no divorce shall be decreed.

In cases of collusion, no divorce shall be decreed.

And be it further enacted, That when a divorce shall be had for the causes of affinity, consanguinity, or of impotency of either of the parties, the wife shall have restored to her all her lands, tenements and hereditaments ; and a judgment may be passed for a restoration to her of all or such part of the personal estate specifically, or the value thereof, which hath come to her husband's hands by force of the marriage, as the Justices of the Supreme Judicial Court, from all the circumstances of the case, shall determine equitable ; and they may make use of such kind of process to carry their judgment into effect, as shall be necessary ; and the Court, in case they think proper, may compel the husband to disclose, on oath, what personal estate he hath received in right of his wife, and how the same hath been disposed of, and what proportion thereof remained in his hands at the time of such divorce : and when the divorce shall be for the cause of adultery com-

When divorces are had, for the causes of affinity or consanguinity, what lands, &c. shall be restored.

mitted by the husband, the wife shall have her dower assigned her in the lands of the husband, in the same manner as if such husband was naturally dead; and where the divorce shall be occasioned by adultery committed by the wife, the husband shall hold her personal estate forever, and her real estate during his natural life, in case they have had issue born alive of her body during the marriage, otherwise during her natural life only, if he shall survive her.

Proviso.

Provided nevertheless, That the Court may allow her for her subsistence so much of such personal or real estate as they shall judge necessary.

When they are had because of cruelty of the husband, what lands, &c., shall be restored to the wife.

And whenever a decree of divorce from bed and board shall be made because of the cruelty of the husband, the wife, if there be no issue living at the time of the divorce, shall be restored to all her lands, tenements and hereditaments, and be allowed out of his personal estate such alimony as the Court shall think reasonable, having regard to the personal property that came to the husband by the marriage, and his ability; but if there be issue living at the time of the divorce, then the Court, with respect to ordering restoration, or granting alimony as aforesaid, may do as they shall judge the circumstances of the case may require; and upon application from either party, may, from time to time, make such alterations therein as may be necessary. And in case a divorce shall be decreed for cruelty in the wife, whether there shall be issue or not of the marriage at the time of the divorce, the Court may order to her a restoration of the whole or such part of her lands, tenements and hereditaments, and may also assign alimony as they may judge proper.

Penalty for cohabiting together after being divorced.

And be it further enacted by the authority aforesaid, If any persons who shall be divorced for the cause either of affinity or consanguinity, shall after such divorce cohabit together, such persons so offending, shall be liable to all the pains and penalties provided by the laws then in being against incest; and if any persons shall cohabit or live together in the same house after a divorce, for the cause of prior marriage or adultery, such persons shall be liable to all the pains and penalties provided by the laws then in being against adultery.

Proviso.

Provided always, That no decree of divorce for or on account of adultery shall bar the issue of such marriage from inheriting, but the question of the right of such child

or children to inherit shall be tried and settled upon the principles of common law, in the same manner as though this act had never been made.

And whereas it is a great expence to the people of this State to be obliged to attend at Boston upon all questions of divorce, when the same might be done within the counties where the parties live, and where the truth might be better discerned by having the witnesses present in Court:

Be it therefore enacted by the authority aforesaid, That all questions of divorce and alimony shall be heard and tried by the Supreme Judicial Court holden for the county where the parties live, and that the decree of the same Court shall be final.

Supreme Judicial Court to determine questions of divorce and alimony.

And be it further enacted, That no cause of divorce or alimony shall be brought before the same Court, unless the party suing or complaining shall file his or her libel in the office of the Clerk of the said Court, therein setting forth the cause of his or her complaint specially, and shall cause the other party, if in this State, to be served with an attested copy of the same, and with a summon to appear at the Court fourteen days at least before the sitting of said Court where the cause is to be tried, otherwise in such manner as the said Court shall direct; and the said Court shall have all the powers necessary to the conducting and finally issuing such causes, according to the true intentment of this act.

No cause of divorce or alimony shall be brought, unless a libel is filed in the clerk's office.

March 16, 1786.

1785. — Chapter 70.

[February Session, ch. 3.]

AN ACT FOR THE CHOICE AND APPOINTMENT OF COLLECTORS OF RATES AND TAXES, AND FOR ASCERTAINING THEIR POWER AND DUTY.

Chap. 70

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the qualified voters of any town or district, at the same time they choose Constables, may, if they see cause, likewise choose some meet person or persons to be Collector or Collectors of the rates or taxes that shall be assessed upon such town or district, and agree upon what sum shall be allowed and paid unto such Collector or Collectors for his or their services; but if such Collector or Collectors so to be chosen shall refuse to serve, or if no Collector shall be chosen, then the

Towns empowered to choose Collectors of taxes, and agree upon their pay.

Constable or Constables of such town or district shall collect and gather such rates and taxes; and every Collector of taxes, or Constable, shall have a warrant from the Selectmen or Assessors, empowering him to collect such rates or taxes as shall be committed to him to collect, and he shall pay in the same according to the directions in such warrant; and in case any Constable or Collector of taxes de cease before his perfecting the collection of any assessment committed to him to collect and pay into the State Treasury, the Assessors for the time being, of such town, district or plantation, shall nominate and appoint, at the charge of such town, district or plantation, some other fit person or persons to perfect the same collection, and enable and empower such person or persons to collect the same, by granting a warrant to him or them for that purpose.

Persons who refuse to pay the sums assessed, shall be distrained by their goods or chattels.

And be it further enacted, That if any person shall refuse to pay the sum or sums which he shall be assessed as his proportion to any rate or tax, in the list committed to any Constable or Collector, under the hands of the Assessors of such town, district, plantation, precinct or parish, or the major part of them, upon demand thereof made by such Constable or Collector, by virtue of the warrant to him given, it shall and may be lawful to and for such Constable or Collector, and he is hereby authorized and required, in such case, to distrain the person so refusing by his goods or chattels, and the distress so taken to keep the space of four days at the cost and charge of the owner thereof; and if the owner do not pay the sum or sums of money so assessed on him within the space of four days, then the said distress shall be openly sold at public auction, by the said officer, for the payment of the said money, notice of such sale being posted up in some public place in the same town, district, plantation, precinct or parish, forty-eight hours before the sale, and after the expiration of the four days aforesaid; and the overplus arising by such sale, if any, over and above the charge of taking and keeping the said distress, to be immediately restored to the former owner, with an account in writing of the sale and charges; and if any person assessed as aforesaid to the state or other tax shall refuse or neglect to pay the sum or sums so assessed, by the space of twelve days after demand thereof, and shall neglect to shew the Constable or Collector sufficient

If not paid within four days, the distress shall be sold at auction.

Overplus to be restored.

Persons who refuse to pay state or other taxes, for the space of 12 days, may be committed to goal.

goods or chattels whereby the same may be levied; in every such case, he may take the body of the person so refusing, and him commit unto the common goal of the county, there to remain until the same be paid, or he therefrom be discharged by due order of law.

Provided nevertheless, That in all cases where there are, Proviso. in the opinion of the Assessors, or a major part of them, just grounds to fear that any person or persons, assessed as aforesaid, may abscond before the expiration of the said twelve days, in such cases, it shall be in the power of the Constable or Collector to demand immediate payment.

And be it further enacted, That where any town or district shall neglect to choose a Constable or Collector, or if any plantation shall neglect to choose a Collector to gather the rates or taxes granted by the General Court, that in such case the Sheriff of the county, or his Deputy, shall be, and hereby is, empowered and directed to collect such rates or taxes, having received an assessment made of the proportion of the several persons rateable in such town, district or plantation, together with a warrant under the hands of such Assessors as shall be appointed by the Court of General Sessions of the Peace, in the county where such deficient town, district or plantation lies, or under the hands of the Assessors of such town, district or plantation, duly chosen by them respectively. When towns, &c., neglect to choose Constables or Collectors, Sheriffs are empowered to collect taxes.

And be it further enacted, That the Sheriff, or his Deputy, upon the receiving such assessment and warrant for collecting it, shall forthwith post in some public place of the town, district or plantation assessed, an attested copy of such assessment and warrant, and shall make no distress for any of the sums so assessed, till after thirty days from his posting it up; and any person or persons paying the sum or sums respectively assessed on him or them to the Sheriff, before the expiration of the aforesaid thirty days, shall pay at the rate of *five per centum* over and above the sum assessed, to the Sheriff, for his fees, and no more; but all such as shall neglect to pay the sum or sums assessed beyond the thirty days after posting up the copy of the assessment as aforesaid, shall be proceeded against by the Sheriff, by way of distress or commitment to goal, in the manner Collectors are by this act directed and empowered to distrain or commit to goal; and the said Sheriff, or his Deputy, may require suitable Sheriff to make no distress till 30 days from his posting up the assessment and warrant for collecting it. Sheriff's fees.

aid for that purpose, and they shall each one pay the fees for the Sheriff's service and travel, as in other cases where distress is made, or the person committed.

When persons remove, not having paid their assessment, Constables or Collectors may demand the same in what place soever found.

And be it further enacted, That when any person shall remove from any town or place where he lived, or had his residence, at the time of making the list of any state, town, county, precinct, plantation, or parish tax or assessment, not having before paid the respective sum or sums set upon him by such lists, it shall and may be lawful for the Constable or Collector, to whom any such tax or assessment shall be committed with a warrant to collect, and he is hereby authorized and empowered to demand the sum or sums assessed upon such person, in what town or place soever within this Commonwealth he may be found; and upon refusal or neglect to pay the same, to distrain the said person by his goods or chattels as aforesaid; and for want of such distress to commit the party to the common goal of the county where he shall be found, there to remain until payment be made.

How Collectors shall proceed with proprietors of real estate removing from the place where such estate lies, after the same is assessed.

Be it enacted by the authority aforesaid, That if any owner or proprietor of land or other real estate shall remove out of the town, district, plantation, precinct, or parish, where said land, or other real estate lays, after the same is assessed, to some other place within this Commonwealth or out of the limits thereof, and shall neglect or refuse to pay the said assessment by the space of three months, from and after the time of such removal, and if the Collector or Collectors, to whom such assessment shall be legally committed, cannot within the said three months find any personal estate belonging to such person so removed, sufficient to pay the same, then such Collector or Collectors shall proceed to sell so much of the said land or other real estate, as will amount to the assessment aforesaid, together with the charges of such sale, in the same manner as is hereinafter provided for the sale of lands belonging to non-resident proprietors for the payment of taxes.

Directions to Collectors with respect to unimproved lands of non-residents or improved lands of proprietors living out of the Commonwealth.

And be it further enacted, That where no person appears to discharge the taxes on the unimproved lands of non-resident proprietors, or improved lands of proprietors living out of the limits of this Commonwealth to the Collector thereof, he shall advertise in the public news papers of the printer to the General Court for the time being, three weeks successively, the names of all such

proprietors, where they are by him known, with the sum of the taxes assessed on their lands respectively, and also the time and place of sale ; and where they are not known, he shall in the same manner, publish the sum of the taxes on the several rights, numbers of lots, or divisions ; and where the name of the place in which such lands lay, may have been altered by any act of this Commonwealth within three years next preceding such advertisement, he shall express not only the present name, but the name by which the same was last known ; and in either case shall post the same in some convenient and conspicuous place in the same town or plantation, as the case may be, where the said lands lay, and in three of the adjoining towns, at least, for the term of three weeks previous to the time appointed for such sale ; and if no person shall appear thereupon to discharge the said taxes and all necessary intervening charges, then the Collector aforesaid shall proceed to sell at public auction to the highest bidder (after waiting two hours from the time appointed for said sale) so much only of the said lands as shall be sufficient to discharge said taxes and the necessary intervening charges, having first given notice of the intended sale thereof, and the time and place when and where the same will be made as aforesaid ; and shall have power to adjourn from day to day (if necessary) to compleat the said sale, not to exceed three days (waiting as aforesaid) and shall give and execute a deed or deeds to the purchaser or purchasers, his or their heirs and assigns, expressing therein the cause of such sale, and saving to the aforesaid proprietor or proprietors, the right of redemption of any lands so sold, within any time for the space of two years from the time of such sale ; and the same shall be reconveyed to him or them, the said proprietor or proprietors, on paying within two years as aforesaid, the sum such land sold for, with interest at the rate of *ten per cent.* per annum on said sum, together with all necessary intervening charges. *Provided nevertheless,* That the purchaser or purchasers as aforesaid shall not make any strip or waste on the premises until the time of redemption shall have expired : and if the said purchaser or purchasers shall make any strip or waste on the premises as aforesaid, he or they shall be liable to pay all damages to the original owner or owners, in as full and ample a manner as if he or they had not purchased the same.

When no person appears to discharge taxes, after being notified, Collectors to proceed to sell so much land as will discharge the same.

Empowered to execute a deed to the purchaser.

Proviso.

When taxes are made payable at two or more times of payment, and persons are about to remove, Collectors may demand and levy the whole sum.

In default of payment, to dis-
train for the same.

When Constables or Collectors are anew chosen, former ones empowered to perfect their collections.

If Collectors are hindered in the execution of their office, they may require aid.

Penalty for refusing aid.

Proviso.

And be it further enacted, That when any state or other rate or tax shall be made payable at two or more several times, or days of payment, and any person being an inhabitant or dweller in any town, district or plantation, within this Commonwealth, at the time of making such rate or tax, and being assessed thereunto, shall be about to remove from thence before the time that shall be prefixed for payment of the same, it shall and may be lawful for the Constable or Collector of the same town, district or plantation, to demand and levy the whole sum which such person may be assessed in his list or lists, notwithstanding the time for collecting the second part of such rate or tax may not then have arrived, and in default of payment to dis-
train for the same, or to take such other course for the obtaining thereof as is hereinbefore provided; and when the Constables or Collectors be anew chosen and sworn, in any town, district, plantation, precinct or parish, before the former Constables or Collectors have perfected their collection of any state or other tax or assessment to them committed to collect, such former Constables or Collectors are hereby fully empowered and required to perfect all such collections, and shall and may exercise the same powers and authority for the collecting and enforcing the payment thereof, as by this act they might have done before other Constables or Collectors were chosen and sworn.

And be it further enacted, That if any of the Collectors of the state, county, town, district, precinct or parish, rates and taxes, when in the execution of their office, shall be hindered or impeded in collecting the rates and taxes committed to them, it shall be lawful for such Collectors to require some meet person or persons to aid and assist them therein; and that all persons so required who shall refuse their aid and assistance, shall severally pay a fine to the poor of the town, district, or plantation where the offence may arise, not exceeding *forty shillings*, at the discretion of the Justice before whom the conviction may be had, by complaint or information in writing, according to the circumstances of the offence; *Provided* that it appears to the Justice, that the aid so demanded as aforesaid, was necessary; and on default of payment of the fine imposed, the Justice may order the offender to be committed to the common goal of the county for the space of forty-eight hours.

And be it further enacted, That where the owner or tenant of any improved lands, liable to pay taxes, shall not reside, or be an inhabitant of the town, district, plantation, precinct, or parish in which such lands lie, and no stock, corn or hay, can be found upon the said lands, whereof the Constable or Collector may make distress to satisfy such sum or sums, as from time to time such lands shall be assessed, either to the state, county, town, district, plantation, precinct, or parish, in such case any Justice of the Peace in the county where the owner or tenant of any such lands lives, upon application to him made in writing, by the Constable or Collector, to whom the list, wherein such lands shall be assessed, shall be committed, and upon sight of the same, or an authenticated copy thereof, may and hereby is empowered and required to grant a warrant unto the Constable of the town or place where such occupant dwells or resides, to distrain such owner or occupant, by his goods or chattels, the full sum at which the said lands are set in such list or assessment, with the charges occasioned by making such distress; and to satisfy the same by sale thereof, returning the overplus, if any there be, to the owner; and in case no goods or chattels can be found, whereon to distrain, to commit the party to the common goal of the county, there to remain until he pay and satisfy the sum or sums so assessed, with the charges.

When owners or tenants of improved lands do not reside where such land lies; directions in this case.

And be it further enacted, That when any officer appointed for collecting any rates or assessments, by virtue of any warrant, shall for want of goods or chattels, whereof to make distress, take the body of any person, and commit him to prison, he shall give an attested copy of his warrant unto the keeper of the prison, and thereupon certify under his hand the sum such person is to pay as his proportion to the assessment, with the cost of taking and committing; and that for want of goods or chattels whereon to make distress he has taken his body; and such attested copy, with the certificate thereon under the hand of the officer, shall be a sufficient warrant to require the prison keeper to receive and keep such person in custody until he shall pay his rate or assessment as aforesaid, and charges of imprisonment, with *two shillings* for the copy of the warrant.

When persons are committed to prison, the officer shall give a copy of the warrant to the keeper.

Provided nevertheless, Any person committed to goal for his taxes, shall have the liberty of the goal yard, upon

Proviso.

his procuring sufficient bonds as is by law directed for other debtors.

Plantations that pay taxes, vested with the powers of towns, relating to the choice of Collectors

And be it further enacted, That all plantations, which shall from time to time be ordered by the General Court to pay any part or proportion of the public taxes, shall be, and they hereby are, fully vested with all the powers that towns in this Commonwealth by law are vested with, so far as relates to the choice of Collectors of taxes; and any person who shall be chosen to the office of a Collector of taxes in any of the aforesaid plantations, and shall refuse to accept of the office, to which he shall have been elected, or neglect to take the oath by law required to be taken by Collectors of taxes in towns, shall be liable to the same penalties, to be recovered by the Clerk of the plantation for the use thereof, in the same way and manner as by this act are provided in the case of Collectors refusing to accept such office when chosen by parishes or precincts.

To be proceeded with, in case of neglect, in the same manner as deficient towns.

And be it further enacted, That if any of the plantations aforesaid shall neglect to choose Collectors as aforesaid, or if the Collectors chosen by any such plantation, and accepting such trust, shall be remiss or neglect their duty, in every such case, such plantation shall be proceeded with in the same manner, as by this act is provided in the case of deficient towns, and such deficient Collectors shall be and hereby are made liable to the same penalties, to be recovered by the same process as by this act is provided in the case of deficient Collectors chosen by towns.

When persons are taxed for real estate in their possession, and are not owners; duty of Collectors in such case.

And be it further enacted, That in all cases where any person or persons who may be taxed for any real estate in their possession, may not be owners or proprietors of such estate, it shall be the duty of every Collector on whose rate bill the name or names of any such person or persons shall be borne, to demand as soon as may be after such bill shall be regularly committed to him, the full amount of the taxes that may be therein assessed upon such person or persons respectively; and that all cattle, sheep, horses, swine or other stock, and also all the produce of any such estate which then, or within nine months from the time such assessment shall be committed as aforesaid, shall or may be found on the premises belonging to the owner or proprietor of such estate, or to any tenant thereof taxed as aforesaid, shall be liable to be taken and disposed of by public auction, in manner as is provided by law, in case of distress taken for taxes in discharge in part

or in whole of any sum or sums assessed, upon any such person or persons as aforesaid.

And be it further enacted, That if any stock or produce which may be taken and disposed of as aforesaid, shall be the property of the proprietor or owner of the land assessed as aforesaid, in every such case such person or persons assessed as aforesaid shall be held to make full satisfaction to the owner or proprietor of such stock or produce, and the Collector making distress shall not be chargeable with the same.

Provided always, That if the person or persons assessed as aforesaid shall remain on such estate, or in the town, district, parish, precinct or plantation, where the same may lay, for the space of nine months next after the rate bill shall be committed to any such Collector as aforesaid, the said Collector shall have no other remedy than against the person or property of the person or persons assessed as aforesaid, unless it shall appear, that there was no sufficient distress to be found upon the premises within that time, and that such Collector was unable to collect the sum or sums due from the person or persons assessed as aforesaid within the like term; in which case it shall and may be lawful for such Collector or Collectors to proceed to sell so much of said real estate as may be necessary to discharge the said assessment and charges, in the same manner as is hereinafter provided for the sale of lands belonging to non-resident proprietors for the non-payment of taxes. *Provided* such sale shall be made within the term of one year from the time such tax shall be committed to such Collector or Collectors, and not afterwards.

And be it further enacted, That it shall be in the power of any precinct or parish within this Commonwealth, some time in the month of *March* annually, at the time they choose other precinct or parish officers, to choose one or more person or persons to serve as Collector or Collectors of all such rates or assessments as shall be granted or agreed upon by such precinct or parish, who shall be duly sworn to the faithful discharge of the trust reposed in him or them; and any person that shall be chosen into the office of a Collector as aforesaid, and shall refuse to accept thereof, or deny or neglect to take the oath by law required, shall forfeit and pay unto the Treasurer of such precinct or parish, for the use of such precinct or parish, the sum of *Five pounds*, to be sued for and recovered in

Proviso, when persons are assessed for estates in their possession, and are not owners.

Precincts & parishes empowered to choose Collectors, annually.

Penalty for refusing to serve.

Proviso.

the same manner fines are recovered from persons refusing to serve in the office of a Constable in any town or district; *Provided* no person in commission for any office, civil or military, church officer, or member of the Council, Senate or House of Representatives, Selectmen, Town Clerk, Town Treasurer, or Assessors for the time being, nor any other person, that has served as Constable or Collector for himself or his own turn, within the space of seven years, shall be obliged to serve in the office of Collector.

Be it further enacted, That the oath to be administered to the Constable in any town or district, shall be in the form following.

Form of the oath to be administered to Constables.

Whereas you *A. B.* are chosen Constable within the town of *C.* for one year, now following, and until other be chosen and sworn in your place, do swear, that you will carefully intend the preservation of the peace, the discovery and preventing all attempts against the same; that you will duly execute all warrants, which shall be sent unto you from lawful authority, and faithfully attend all such directions in the laws and orders of Court, as are or shall be committed to your care; that you will faithfully and with what speed you can, collect and levy all such fines, distresses, rates, assessments and sums of money, for which you shall have sufficient warrants according to law; rendering an account thereof, and paying the same according to the direction in your warrant; and with like faithfulness, speed, and diligence, you will serve all writs, executions, and distresses, in private causes betwixt party and party, and make return thereof duly, in the same Court where they are returnable; and in all these things, you shall deal faithfully, whilst you shall be in office, without any sinister respects of favour or displeasure.

So help you God.

And the oath to, such as may be Collectors only, shall be in the following form.

Form of the oath to be administered to Collectors.

You *A. B.* being appointed a Collector of taxes within the of for one year next following, do swear, that you will levy and collect, with what speed you can, all such rates and assessments for which you shall have sufficient warrants, according to law: rendering an account

thereof, and paying the same, according to the direction in your warrant.

So help you God.

And be it further enacted, That in case of distress or commitment for the non-payment of taxes, the officer concerned therein shall be entitled to the same fees, which Sheriffs by law are or may be entitled to for levying executions, saving that the travel in case of distress shall be computed only from the dwelling house of the officer making such distress to the place where the distress may be made.

Fees in cases of commitment for non-payment of taxes.

March 16, 1786.

1785. — Chapter 71.

[February Session, ch. 30.]

AN ACT FOR SETTING OFF *PETER NOYES*, ESQ; AND OTHERS, INHABITANTS OF THE FIRST PARISH IN *FALMOUTH*, IN THE COUNTY OF *CUMBERLAND*, AND ANNEXING THEM AND THEIR ESTATES, TO THE THIRD PARISH IN SAID *FALMOUTH*.

Chap. 71

Whereas Peter Noyes, *Esq; and others, living within the first parish of Falmouth, in the county of Cumberland, have represented to this Court that it is very inconvenient for them to attend the public worship of God in said first parish, and praying that they may be annexed to the third parish in said Falmouth:*

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Peter Noyes, Esq; and all the inhabitants of the first parish and all the estates belonging to said first parish, lying to the northward of *Back Cove Creek*, so called, in *Falmouth* aforesaid, be; and they hereby are, annexed to the third parish in *Falmouth*; and shall forever hereafter, be considered as belonging to, and making a part and parcel of the same.

Peter Noyes, Esq; and others annexed to the third parish.

Provided nevertheless, and be it further enacted by the authority aforesaid, That any person hereby set off from said first parish, and who may choose to belong to the same, and shall signify his desire to the Clerk of said first parish, of continuing a member thereof, within twelve months from the passing of this act, shall be considered as belonging to said first parish, any thing in this act to the contrary notwithstanding.

Proviso.

And be it further enacted by the authority aforesaid, That all those hereby annexed to said third parish, and who were before liable by law to pay taxes to said first

Persons set off held to pay their proportion

of arrearages
due from the
first parish.

parish, shall, they and their estates, be held and obliged to pay their proportion of all arrearages due from said first parish.

March 20, 1786.

1785. — Chapter 72.

[February Session, ch. 32.]

Chap. 72 AN ACT FOR REVIVING AND CONTINUING SUNDRY LAWS THAT ARE EXPIRED AND NEAR EXPIRING.

Preamble.

Whereas the several acts hereinafter mentioned, which are expired or near expiring, have been found useful and beneficial, viz. — One act made in the year of our Lord, one thousand seven hundred and forty-two, entitled, “An act in addition to the several laws of this Province relating to the support of Poor and Indigent Persons.” Also an act made in the year of our Lord, one thousand seven hundred and forty-four, entitled, “An act to prevent unnecessary cost being allowed to parties and witnesses in the several Courts of Justice within this Province.” Also an act made in the year of our Lord, one thousand seven hundred and fifty, entitled, “An act in addition to the act for better regulating Swine.” Also an act made in the year of our Lord, one thousand seven hundred and fifty-seven, entitled, “An act for further regulating the course of Judicial proceedings.” Also an act made in the year of our Lord, one thousand seven hundred and fifty-eight, entitled, “An act in further addition to an act entitled an act for explanation of and supplement to an act referring to the Poor, &c.” Also an act made in the year of our Lord, one thousand seven hundred and sixty-two, entitled, “An act to prevent damage by fire in the towns of *Salem* and *Marblehead*, and other maritime towns in the Province.” Also an act made in the year of our Lord, one thousand seven hundred and sixty-five, entitled, “An act to prevent the destruction of Oysters in the several bays and rivers hereafter mentioned within this Province.” Also an act made in the year of our Lord, one thousand seven hundred and sixty-nine, entitled, “An act to empower the East Precinct in *Salem*, where the Rev. Mr. *James Diman* now officiates, to raise money for defraying ministerial and other necessary charges of said Precinct.” Also an act made in the year of our Lord, one thousand seven hundred and seventy-nine, entitled, “An act in addition to an act for the preservation and increase of Moose and Deer on *Tarpaulin Cove* island, and *Mennemesset* islands, lying and being in the county of *Dukes County*.” Also

an act made in the year of our Lord, one thousand seven hundred and eighty-one, entitled, “An act to regulate the Sale of goods at public Vendue, and to limit the number of Auctioneers.” Also an act made in the year of our Lord, one thousand seven hundred and eighty-one, entitled, “An act in addition to an act made and passed at the last Session of the General Court, entitled, “An act to regulate the Sale of goods at public Vendue and to limit the number of Auctioneers.”

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That such of the beforementioned acts as are expired be revived, and such of the said acts as are not yet expired be continued, with all and every article, clause, matter and thing therein respectively contained, and shall be in force until the first day of *November*, in the year of our Lord, one thousand seven hundred and ninety-seven.

Enacting clause.

March 20, 1786.

1785. — Chapter 73.

[February Session, ch. 33.]

AN ACT IN ADDITION TO AN ACT, ENTITLED, “AN ACT IN ADDITION TO AND FOR REPEALING CERTAIN CLAUSES OF AN ACT, PASSED THE PRESENT YEAR, ENTITLED, “AN ACT FOR REGULATING AND GOVERNING THE MILITIA OF THE COMMONWEALTH OF MASSACHUSETTS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Chap. 73

Whereas by the law passed in the year of our Lord, one thousand seven hundred and eighty-five, for regulating and governing the Militia of this Commonwealth, it is provided, “that all officers elected, appointed and commissioned, at the time of passing the said law, shall be continued in commission, and hold their respective commands in the Militia.” And whereas by another law, passed the same year, the said Militia is formed into nine divisions, each of which is to be commanded by a Major General; and it is inexpedient that Major Generals should hold commissions in the Militia, who shall not have the immediate command of divisions assigned them:

Preamble.

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That the providing clause, annexed to the first enacting paragraph of the act, passed in the year of our Lord, one thousand seven hundred and eighty-five, entitled, “An Act for regulating and governing the Militia of the Commonwealth of *Massachusetts*, and for

Clause of a former act repealed.

repealing all laws heretofore made for that purpose," so far as the same relates to Major Generals, be, and hereby is, declared void and of no effect.

Persons elected Major Generals, to signify their acceptance within forty days.

And be it further enacted by the authority aforesaid, That every person who may at any time hereafter, be elected a Major General, in any division of the Militia of this Commonwealth, and shall not within forty days, after he shall be duly notified of his election by the Secretary, signify his acceptance thereof, he shall be considered as declining to accept his appointment, and a new choice shall be had.

Those already chosen, delaying to signify their acceptance thirty days, considered as declining to serve.

And be it further enacted by the authority aforesaid, That every person already elected a Major General, in any division of the Militia, who hath had due notice of his election given him by the Secretary, and neglects to signify his acceptance thereof, and shall delay to accept his appointment thirty days from the passing this act, he shall be considered as declining to serve in the said office of Major General.

March 20, 1786.

1785. — Chapter 74.

[February Session, ch. 5.]

Chap. 74 AN ACT FOR APPORTIONING AND ASSESSING A TAX OF *THREE HUNDRED THOUSAND, FOUR HUNDRED AND THIRTY-NINE POUNDS, ONE SHILLING AND THREE PENCE, VIZ.: ONE HUNDRED AND FORTY-FIVE THOUSAND, SIX HUNDRED AND FIFTY-FIVE POUNDS,* FOR THE PURPOSE OF COMPLYING WITH THE REQUISITION OF THE UNITED STATES IN CONGRESS ASSEMBLED, OF THE TWENTY-SEVENTH DAY OF SEPTEMBER, ANNO DOMINI, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE; FOR RAISING *TWENTY-FIVE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR POUNDS, ONE SHILLING AND THREE PENCE,* FOR THE SUPPORT OF GOVERNMENT; AND *TWENTY-NINE THOUSAND POUNDS* FOR THE PAYMENT OF INTEREST ON THE CONSOLIDATED NOTES OF THIS STATE; AND THE SUM OF *ONE HUNDRED THOUSAND POUNDS* FOR THE PURPOSE OF REDEEMING THE REMAINDER OF THE ARMY NOTES, SO CALLED, WHICH BECAME PAYABLE IN THE YEARS ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FOUR, ONE THOUSAND SEVEN HUNDRED AND EIGHTY-FIVE, AND ONE THOUSAND SEVEN HUNDRED AND EIGHTY-SIX, NOT ALREADY PROVIDED FOR; AND ALSO THE FURTHER SUM OF *ELEVEN THOUSAND AND ONE POUNDS, EIGHTEEN SHILLINGS,* TO REPLACE THE SAME SUM DRAWN OUT OF THE TREASURY, TO PAY THE MEMBERS OF THE HOUSE OF REPRESENTATIVES, FOR THEIR ATTENDANCE THE FIVE LAST SESSIONS OF THE GENERAL COURT.

Preamble.

Whereas it is necessary that immediate provision be made to supply the treasury of the United States, pursuant to,

and in compliance with the requisition of the United States in Congress assembled, of the twenty-seventh day of September, Anno Domini, one thousand seven hundred and eighty-five, and to raise monies sufficient to support the charges of civil government within this Commonwealth, and to pay some part of the interest on government securities, and to redeem the remainder of the army notes issued by the Treasurer of this Commonwealth, pursuant to a law passed the fifth day of July, one thousand seven hundred and eighty-one:

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That each town, district, plantation, and other place within this Commonwealth, shall be assessed and pay the several sums with which they stand charged in the following schedule, viz. :

Each town to
pay as charged
in the schedule.

COUNTY OF SUFFOLK.

TOWNS.	Representatives' Pay.	Proportion of £ 300,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
BOSTON.	397 15 0	20155 6 3	Twenty thousand five hundred and fifty-three pounds one shilling and three pence	20553 1 3
Bourby.	92 1 0	2600 0 0	Two thousand six hundred and ninety-two pounds one shilling	2692 1 0
Dorchester.	62 6 0	2145 18 9	Two thousand two hundred and eight pounds four shillings and nine pence	2208 4 9
Milton.	40 5 0	1133 15 0	One thousand one hundred and seventy-four pounds	1174 0 0
Wymouth.	25 18 0	1212 16 3	One thousand two hundred and thirty-eight pounds fourteen shillings and three pence	1238 14 3
Hingham.	59 10 0	1745 18 9	One thousand eight hundred and five pounds eight shillings and nine pence	1805 8 9
Braintree.	54 5 0	2663 15 0	Two thousand seven hundred and eighteen pounds	2718 0 0
Brookline.	35 0 0	831 5 0	Eight hundred and sixty-six pounds five shillings	866 5 0
Deatham.	45 4 3	1611 17 6	One thousand six hundred and fifty-seven pounds one shilling and nine pence	1657 1 9
Nedham.	16 9 0	895 18 9	Nine hundred and twelve pounds seven shillings and nine pence	912 7 9
Melchell.	57 8 0	720 12 6	Seven hundred and seventy-eight pounds and six pence	778 0 6
Stoughton.	64 15 0	1733 2 6	One thousand seven hundred and ninety-seven pounds seventeen shillings and six pence	1797 17 6
Wrentham.	70 7 0	1230 0 0	One thousand and three hundred pounds seven shillings	1300 7 0
Walpole.	56 7 0	742 10 0	Seven hundred and ninety-eight pounds seventeen shillings	798 17 0
Sharon.	13 6 0	740 6 3	Seven hundred and fifty-three pounds twelve shillings and three pence	753 12 3
Cohasset.	32 18 0	626 5 0	Six hundred and fifty-nine pounds three shillings	659 3 0
Franklin.	55 6 0	908 8 9	Nine hundred and sixty-three pounds fourteen shillings and nine pence	963 14 9
Medway.	55 6 0	864 7 6	Nine hundred and sixty-three pounds thirteen shillings and six pence	919 13 6
Bellingham.		507 3 9	Nine hundred and nineteen pounds three shillings and nine pence	507 3 9
Hull.		133 15 0	One hundred and thirty-three pounds fifteen shillings	133 15 0
Chelsea.	14 7 0	629 7 6	Six hundred and forty-three pounds fourteen shillings and six pence	643 14 6
Foxborough.	51 9 0	396 5 0	Four hundred and forty-seven pounds fourteen shillings	447 14 0
Dover.	13 11 9	482 16 3	Four hundred and ninety-six pounds eight shillings	496 8 0
	1313 14 0	44711 11 3	Forty-six thousand and twenty-five pounds five shillings and three pence	46025 5 3

COUNTY OF ESSEX.

	£.	s.	d.	£.	s.	d.	£.	s.	d.	
Salen,	98	7	0	5783	15	0	Five thousand eight hundred and eighty-two pounds two shillings	5882	2	0
Diavers,	56	14	0	2154	7	6	Two thousand two hundred and eleven pounds one shilling and six pence	2211	1	6
Nashbury,	81	4	0	3157	16	3	Three thousand two hundred and thirty-nine pounds and three pence	3239	0	3
Newburyport,	68	19	0	4277	3	9	Four thousand three hundred and forty-six pounds two shillings and nine pence	4346	2	9
Beverly,	64	15	0	2567	16	3	Two thousand six hundred and thirty-two pounds eleven shillings and three pence	2632	11	3
Ipswich,	114	16	0	3449	13	9	Three thousand five hundred and sixty-four pounds nine shillings and nine pence	3564	9	9
Marblehead,	.	.	.	2270	18	9	Two thousand two hundred and seventy pounds eighteen shillings and nine pence	2270	18	9
Gloucester,	7	0	0	2152	10	0	Two thousand one hundred and fifty-nine pounds ten shillings	2159	10	0
Lynn,	60	14	0	1472	10	0	One thousand five hundred and thirty-three pounds four shillings	1533	4	0
Lymington,	16	6	0	395	0	0	Four hundred and eleven pounds six shillings	411	6	0
Andover,	52	17	0	2804	13	9	Two thousand eight hundred and fifty-seven pounds ten shillings and nine pence	2857	10	9
Rowley,	58	16	0	1648	8	9	One thousand seven hundred and seven pounds four shillings and nine pence	1707	4	9
Topsfield,	44	2	0	852	3	9	Eight hundred and ninety-six pounds five shillings and nine pence	896	5	9
Haverhill,	71	15	0	1860	0	0	One thousand nine hundred and thirty-one pounds fifteen shillings	1931	15	0
Salisbury,	42	14	0	1350	6	3	One thousand three hundred and ninety-three pounds and three pence	1393	0	3
Atisbury,	56	7	0	1258	15	0	One thousand three hundred and fifteen pounds two shillings	1315	2	0
Bosford,	61	5	0	1010	18	9	One thousand and seventy-two pounds three shillings and nine pence	1072	3	9
Bradford,	50	15	0	1193	15	0	One thousand two hundred and forty-four pounds ten shillings	1244	10	0
Meduen,	31	17	0	1005	5	0	One thousand and thirty-eight pounds two shillings	1038	2	0
Wenham,	.	.	.	452	3	9	Four hundred and fifty-two pounds three shillings and nine pence	452	3	9
Manchester,	.	.	.	393	15	0	Three hundred and ninety-three pounds fifteen shillings	393	15	0
Mildilton,	.	.	.	651	17	6	Six hundred and fifty-one pounds seventeen shillings and six pence	651	17	6
	1039	3	0	42164	13	9	Forty-three thousand two hundred and three pounds sixteen shillings and nine pence	43203	16	9

<i>Dunstable</i> ,	36	8	0	645	0	0	Six hundred and eighty-one pounds eight shillings	. . . . .	681	8	0
<i>Lincoln</i>, . . . . .	. . . . .	. . . . .	. . . . .	635	0	0	Six hundred and eighty-five pounds	. . . . .	635	0	0
<i>Wilmington</i>, . . . . .	. . . . .	. . . . .	. . . . .	502	10	0	Five hundred and twenty pounds nine shillings	. . . . .	520	9	0
<i>Teuchbury</i>, . . . . .	. . . . .	. . . . .	. . . . .	647	10	0	Six hundred and sixty-four pounds thirteen shillings	. . . . .	664	13	0
<i>Littleton</i>, . . . . .	. . . . .	. . . . .	. . . . .	697	10	0	Seven hundred and forty-seven pounds eighteen shillings	. . . . .	747	18	0
<i>Asbury</i>, . . . . .	. . . . .	. . . . .	. . . . .	385	0	0	Three hundred and eighty-five pounds	. . . . .	385	0	0
<i>Narick</i>, . . . . .	. . . . .	. . . . .	. . . . .	484	1	3	Four hundred and eighty-four pounds one shilling and three pence	. . . . .	484	1	3
<i>Carlisle</i>, . . . . .	. . . . .	. . . . .	. . . . .	436	5	0	Four hundred and seventy-three pounds five shillings	. . . . .	473	5	0
<i>Stoucham</i>, . . . . .	. . . . .	. . . . .	. . . . .	323	15	0	Three hundred and twenty-three pounds fifteen shillings	. . . . .	323	15	0
<i>East Sudbury</i>, . . . . .	. . . . .	. . . . .	. . . . .	748	15	0	Eight hundred and three pounds seven shillings	. . . . .	803	7	0
<i>Bosborough</i>, . . . . .	. . . . .	. . . . .	. . . . .	302	10	0	Three hundred and ten pounds ten shillings and six pence	. . . . .	310	10	6
	1577	11	0	34982	16	3	Thirty-six thousand five hundred and forty pounds seven shillings and three pence	. . . . .	36540	7	3

COUNTY OF HAMPSHIRE.

	£.	s.	d.	£.	s.	d.		£.	s.	d.	
Springfield,	65	16	0	1204	1	3	Twelve hundred and sixty-nine pounds seventeen shillings and three pence		1269	17	3
Longmeadow,	63	14	0	529	13	9	Five hundred and ninety-three pounds seven shillings and nine pence		593	7	9
West Springfield,	50	1	0	1626	11	3	Sixteen hundred and seventy-six pounds twelve shillings and three pence		1676	12	3
Wilbraham,	69	13	0	910	0	0	Nine hundred and seventy-nine pounds thirteen shillings		979	13	0
Northampton,	20	2	0	1379	7	6	One thousand three hundred and ninety-nine pounds nine shillings and six pence		1399	9	6
Southampton,	44	2	0	514	1	3	Five hundred fifty-eight pounds three shillings and three pence		558	3	3
Hadley,	56	7	0	790	12	6	Eight hundred forty-six pounds nineteen shillings and six pence		846	19	6
South Hadley,	14	7	0	537	16	3	Five hundred fifty-two pounds three shillings and three pence		552	3	3
Amherst,	71	1	0	825	6	3	Eight hundred and ninety-six pounds seven shillings and three pence		896	7	3
Granby,	53	18	0	420	18	9	Four hundred seventy-four pounds sixteen shillings and three pence		474	16	9
Hatfield,	.	.	.	751	17	6	Seven hundred and fifty-one pounds seventeen shillings and six pence		751	17	6
Whately,	.	.	.	400	6	3	Four hundred pounds six shillings and three pence		400	6	3
Wilbraham,	53	18	0	435	18	9	Four hundred and eighty-nine pounds sixteen shillings and nine pence		489	16	9

COUNTY OF HAMPSHIRE — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £300,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
Westfield,	37 9 0	1251 11 3	Twelve hundred and fifty-nine pounds and three pence	1259 0 3
Direfield,	28 7 0	1038 8 9	One thousand and sixty-six pounds fifteen shillings and nine pence	1066 15 9
Greenfield,	30 9 0	795 0 0	Eight hundred and twenty-five pounds nine shillings	825 9 0
Steburne,	42 14 0	540 0 0	Five hundred and eighty-two pounds fourteen shillings	582 14 0
Cumsey,	23 2 0	935 0 0	Nine hundred and fifty-eight pounds two shillings	958 2 0
Southoverland, . . . . .	. . . . .	388 2 6	Three hundred and eighty-eight pounds two shillings and six pence	388 2 6
Montrague,	20 6 0	515 6 3	Five hundred and thirty-five pounds twelve shillings and three pence	535 12 3
Northfield,	55 6 0	607 16 3	Six hundred and sixty-three pounds two shillings and three pence	663 2 3
Brimfield,	14 14 0	903 8 9	Nine hundred and seventy-eight pounds two shillings and nine pence	978 2 9
South Brimfield,	11 16 0	330 12 6	Three hundred and forty-two pounds eight shillings and six pence	342 8 6
Monson,	52 17 0	588 15 0	Six hundred and forty-one pounds twelve shillings	641 12 0
Pelham,	38 10 0	605 12 6	Six hundred and forty-four pounds two shillings and six pence	644 2 6
Greenwich,	74 4 0	570 0 0	Six hundred and forty-four pounds four shillings	644 4 0
Blunford, . . . . .	. . . . .	833 15 0	Eight hundred and thirty-three pounds fifteen shillings	833 15 0
Pulmer,	67 18 0	516 5 0	Five hundred and eighty-four pounds three shillings	584 3 0
Granville,	24 17 0	1113 15 0	Eleven hundred and thirty-eight pounds twelve shillings	1138 12 0
New Sotem,	38 17 0	737 10 0	Seven hundred and seventy-six pounds seven shillings	776 7 0
Belchertown,	74 18 0	860 0 0	Eight hundred and seventy-four pounds eighteen shillings	874 18 0
Cokerain,	32 11 0	622 10 0	Six hundred and fifty-five pounds one shilling	655 1 0
Ware, . . . . .	. . . . .	375 12 6	Three hundred and seventy-five pounds twelve shillings and six pence	375 12 6
Warwick,	45 9 0	451 11 3	Four hundred and ninety-seven pounds and three pence	497 0 3
Barnardston, . . . . .	. . . . .	356 17 6	Three hundred and fifty-six pounds seventeen shillings and six pence	356 17 6
Chester,	29 8 0	393 8 9	Four hundred and twenty-two pounds sixteen shillings and nine pence	422 16 9
Charlmont,	12 11 0	262 3 9	Two hundred and seventy-four pounds fourteen shillings and nine pence	274 14 9
Ashfield,	73 17 0	600 0 0	Six hundred and seventy-three pounds seventeen shillings	673 17 0
Worthington,	45 10 0	636 5 0	Six hundred and eighty-one pounds fifteen shillings	681 15 0
Shutesbury,	39 11 0	287 10 0	Three hundred and twenty-seven pounds and one shilling	327 1 0

<i>Chesterfield,</i>	12	5	0	590	18	9	Six hundred and three pounds three shillings and nine pence	603	3	9
<i>Goshen,</i>	.	.	.	330	0	0	Three hundred and thirty pounds	330	0	0
<i>Southwick,</i>	42	0	0	435	0	0	Four hundred and seventy-seven pounds	477	0	0
<i>Norwich,</i>	28	0	0	260	12	6	Two hundred and eighty-eight pounds twelve shillings and six pence	288	12	6
<i>Ludlow,</i>	23	2	0	293	8	9	Three hundred and sixteen pounds ten shillings and nine pence	316	10	9
<i>Lewerth,</i>	.	.	.	241	17	6	Two hundred and forty-one pounds seventeen shillings and six pence	241	17	6
<i>Westhampton,</i>	17	3	0	272	10	6	Two hundred and eighty-nine pounds thirteen shillings	289	13	0
<i>Montgomery,</i>	.	.	.	160	12	6	One hundred and sixty pounds twelve shillings and six pence	160	12	6
<i>Plantation No. 7,</i>	.	.	.	121	11	3	One hundred and twenty-one pounds eleven shillings and three pence	121	11	3
<i>Cramington,</i>	36	8	0	506	17	6	Five hundred and forty-three pounds five shillings and six pence	543	5	6
<i>Buckland,</i>	32	18	0	195	0	0	Two hundred and twenty-seven pounds eighteen shillings	227	18	0
<i>Middlefield,</i>	.	.	.	221	17	6	Two hundred and twenty-one pounds seventeen shillings and six pence	221	17	6
<i>Wendell,</i>	.	.	.	224	1	3	Two hundred and twenty-four pounds one shilling and three pence	224	1	3
<i>Orange,</i>	28	15	0	286	11	3	Three hundred and fifteen pounds six shillings and three pence	315	6	3
<i>Holland,</i>	8	10	0	242	10	0	Two hundred and fifty-one pounds	251	0	0
<i>Leyden,</i>	.	.	.	281	11	3	Two hundred and eighty-one pounds eleven shillings and three pence	281	11	3
<i>Rowe,</i>	.	.	.	181	5	0	One hundred and eighty-one pounds five shillings	181	5	0
<i>Heath,</i>	6	7	0	145	0	0	One hundred and fifty-one pounds seven shillings	151	7	0
<i>District Easthampton,</i>	10	14	0	315	18	9	Three hundred and twenty-six pounds twelve shillings and nine pence	326	12	9
	1786	7	0	32720	12	6	Thirty-four thousand four hundred and fifty-six pounds nineteen shillings and six pence	34456	19	6

COUNTY OF PLYMOUTH.

	£. s. d.	£. s. d.	£. s. d.
<i>Plymouth,</i>	46 12 0	1444 1 3	Fourteen hundred and ninety pounds thirteen shillings and three pence
<i>Solihull,</i>	45 13 0	2193 8 9	Two thousand two hundred and thirty-nine pounds one shilling and nine pence
<i>Ducherry,</i>	44 2 0	754 13 9	Seven hundred and ninety-eight pounds fifteen shillings and nine pence
<i>Marshfield,</i>	35 14 0	1060 12 6	One thousand and ninety-six pounds six shillings and six pence
<i>Bridgewater,</i>	75 12 0	4099 7 6	Four thousand one hundred and seventy-four pounds nineteen shillings and six pence
			4174 19 6

COUNTY OF PLYMOUTH—CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £300,000.	Total.
	£. s. d.	£. s. d.	£. s. d.
Middleborough, . .	104 13 0	3006 17 6	3111 10 6
Rochester,	49 14 0	1435 12 6	1485 6 6
Plymouth,	42 14 0	993 15 0	1036 9 0
Pembroke,	51 9 0	1273 15 0	1325 4 0
Kingston,	52 17 0	593 15 0	646 12 0
Haverhill,	24 3 0	698 15 0	722 18 0
Abington,	29 15 0	1155 18 9	1185 13 9
Halifax,	40 5 0	483 2 6	523 7 6
Wareham,	46 4 0	397 10 0	443 14 0
	689 7 0	19591 5 0	20280 12 0
			Three thousand one hundred and eleven pounds ten shillings and six pence
			Fourteen hundred and eighty-five pounds six shillings and six pence
			One thousand and thirty-six pounds nine shillings
			One thousand three hundred and twenty-five pounds four shillings
			Six hundred and forty-six pounds twelve shillings
			Seven hundred and twenty-two pounds eighteen shillings
			One thousand one hundred and eighty-five pounds thirteen shillings and nine pence
			Five hundred and twenty-three pounds seven shillings and six pence
			Four hundred and forty-three pounds fourteen shillings
			Twenty thousand two hundred and eighty pounds twelve shillings

COUNTY OF BARNSTABLE.

	£. s. d.	£. s. d.	£. s. d.
Barnstable,	51 9 0	1390 12 6	1442 1 6
Sandwich,	42 0 0	1101 17 6	1143 17 6
Yarmouth,	42 14 0	1011 17 6	1054 11 6
Harwich,	39 11 0	794 1 3	833 12 3
Eastham,	18 18 0	603 2 6	622 0 6
Chatham,	12 19 0	446 5 0	459 4 0
Wellsfleet,	29 1 0	364 13 9	393 14 9
			One thousand four hundred and forty-two pounds one shilling and six pence
			One thousand one hundred and forty-three pounds seventeen shillings and six pence
			One thousand and fifty-four pounds eleven shillings and six pence
			Eight hundred and thirty-three pounds twelve shillings and three pence
			Six hundred and twenty-two pounds and six pence
			Four hundred and fifty-nine pounds four shillings
			Three hundred and ninety-three pounds fourteen shillings and nine pence

Troy,	11	4	0	360	0	0	Three hundred and seventy-one pounds four shillings	371	4	0
Falmouth,	10	3	0	767	3	9	Seven hundred and seventy-seven pounds six shillings and nine pence	777	6	9
Provincetown,	.	.	.	114	13	9	One hundred and fourteen pounds thirteen shillings and nine pence	114	13	9
	257	19	0	6954	7	6	Seven thousand two hundred and twelve pounds six shillings and six pence	7212	6	6

COUNTY OF BRISTOL.

	£.	s.	d.	£.	s.	d.		£.	s.	d.
Taunton,	44	16	0	2400	0	0	Two thousand four hundred and forty-four pounds sixteen shillings	2444	16	0
Ilchester,	57	1	0	2700	0	0	Two thousand seven hundred and fifty-seven pounds one shilling	2757	1	0
Swansey,	29	15	0	1346	5	0	One thousand five hundred and seventy-six pounds	1376	0	0
Dartmouth,	89	12	0	4539	7	6	Four thousand six hundred and twenty-eight pounds nineteen shillings and six pence	4628	19	6
Norton,	56	14	0	1016	5	0	One thousand and seventy-two pounds nineteen shillings	1072	19	0
Marshfield,	46	18	0	637	10	0	Six hundred and eighty-four pounds eight shillings	684	8	0
Atteborough,	19	12	0	1683	15	0	One thousand seven hundred and three pounds seven shillings	1703	7	0
Dighton,	36	14	0	960	0	0	One thousand and sixteen pounds fourteen shillings	1016	14	0
Freetown,	62	6	0	1182	10	0	One thousand two hundred and forty-four pounds sixteen shillings	1214	16	0
Rayham,	17	17	0	719	13	9	Seven hundred and thirty-seven pounds ten shillings and nine pence	737	10	9
Easton,	42	2	0	787	10	0	Eight hundred and twenty-nine pounds twelve shillings	829	12	0
Berkley,	8	15	0	552	10	0	Five hundred and sixty-one pounds five shillings	561	5	0
	532	2	0	18725	6	3	Nineteen thousand two hundred and fifty-seven pounds eight shillings and three pence	19257	8	3

COUNTY OF YORK.

	£.	s.	d.	£.	s.	d.		£.	s.	d.
York,	56	14	0	1860	0	0	One thousand nine hundred and sixteen pounds fourteen shillings	1916	14	0
Kilnsey,	59	10	0	1936	5	0	One thousand nine hundred and ninety-five pounds fifteen shillings	1995	15	0
Wells,	39	18	0	1657	10	0	One thousand six hundred and ninety-seven pounds eight shillings	1697	8	0
Berwick,	72	9	0	2613	15	0	Two thousand six hundred and eighty-six pounds four shillings	2686	4	0

COUNTY OF YORK — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £300,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
Arundel	10 10 0	840 0 0	Eight hundred and fifty pounds ten shillings	850 10 0
Biddleford	29 1 0	735 0 0	Seven hundred and sixty-four pounds one shilling	764 1 0
Pepperellborough	26 12 0	675 0 0	Seven hundred and one pounds twelve shillings	701 12 0
Lebanon	45 17 0	461 5 0	Five hundred and seven pounds two shillings	507 2 0
Saulford	20 6 0	461 5 0	Four hundred and eighty-one pounds eleven shillings	481 11 0
Barton	12 12 0	585 0 0	Five hundred and ninety-seven pounds twelve shillings	597 12 0
Fryeburgh	21 0 0	285 0 0	Three hundred and six pounds	306 0 0
Coxhall . . . . .	. . . . .	300 0 0	Three hundred pounds	300 0 0
Massabesack . . . . .	. . . . .	225 0 0	Two hundred and twenty-five pounds	225 0 0
Limerick . . . . .	. . . . .	135 0 0	One hundred and thirty-five pounds	135 0 0
Brookfield . . . . .	. . . . .	90 0 0	Ninety pounds	90 0 0
Little Falls . . . . .	. . . . .	180 0 0	One hundred and eighty pounds	180 0 0
Shapleigh . . . . .	. . . . .	331 5 0	Three hundred and thirty-one pounds five shillings	331 5 0
Little Ossipee . . . . .	. . . . .	197 10 0	One hundred and ninety-seven pounds ten shillings	197 10 0
Washington Plantation . . . . .	. . . . .	105 18 9	One hundred and five pounds eighteen shillings and nine pence	105 18 9
Pearsonfield . . . . .	. . . . .	315 12 6	Three hundred and fifteen pounds twelve shillings and six pence	315 12 6
Francisboro Plantation . . . . .	. . . . .	105 12 6	One hundred and five pounds twelve shillings and six pence	105 12 6
	394 9 0	14095 18 9	Fourteen thousand four hundred and ninety pounds seven shillings and nine pence	14490 7 9

COUNTY OF DUKES COUNTY.

	£. s. d.	£. s. d.		£. s. d.
Edgartown	29 1 0	684 1 3	Seven hundred and thirteen pounds two shillings and three pence	713 2 3
Chimark	55 13 0	744 1 3	Seven hundred and ninety-nine pounds fourteen shillings and three pence	799 14 3
Tisbury	33 19 0	531 5 0	Five hundred and sixty-five pounds four shillings	565 4 0
	118 13 0	1959 7 6	Two thousand and seventy-eight pounds and six pence	2078 0 6

COUNTY OF NANTUCKET.

	£. s. d.	£. s. d.		£. s. d.
Sherburne, . . .	57 1 0	2067 10 0	Two thousand one hundred and twenty-four pounds eleven shillings	2124 11 0

COUNTY OF WORCESTER.

	£. s. d.	£. s. d.		£. s. d.
Worcester, . . .	67 18 0	1732 10 0	One thousand and eight hundred pounds eight shillings	1800 8 0
Launceston, . . .	23 9 0	1099 7 6	One thousand one hundred and twenty-two pounds sixteen shillings and six pence	1122 16 6
Mendon, . . .	56 0 0	1075 0 0	One thousand one hundred and thirty-one pounds	1131 0 0
Brookfield, . . .	74 4 0	2361 11 3	Two thousand four hundred and thirty-five pounds fifteen shillings and three pence	2435 15 3
Oxford, . . .	25 4 0	674 7 6	Six hundred and ninety-nine pounds eleven shillings and six pence	699 11 6
Charlton, . . .	71 1 0	1131 5 0	One thousand two hundred and two pounds six shillings	1202 6 0
Sutton, . . .	75 5 0	2141 11 3	Two thousand two hundred and sixteen pounds sixteen shillings and three pence	2216 16 3
Leicester, . . .	68 12 0	898 2 6	Eight hundred and ninety-eight pounds two shillings and six pence	898 2 6
Spencer, . . .	66 17 0	1022 16 3	One thousand and ninety-one pounds eight shillings and three pence	1091 8 3
Attland, . . .	11 4 0	1076 5 0	One thousand one hundred and forty-three pounds two shillings	1143 2 0
Paxton, . . .	66 10 0	523 15 0	Five hundred and thirty-four pounds nineteen shillings	534 19 0
Oakham, . . .	66 10 0	495 0 0	Four hundred and ninety-five pounds	495 0 0
Barre, . . .	66 10 0	1405 18 9	One thousand four hundred and seventy-two pounds eight shillings and nine pence	1472 8 9
Habardston, . . .	29 15 0	514 1 3	Five hundred and fourteen pounds one shilling and three pence	514 1 3
New Braintree, . . .	22 8 0	669 5 0	Six hundred and ninety-nine pounds two shillings and six pence	699 2 6
Southborough, . . .	28 0 0	696 5 0	Seven hundred and eighteen pounds thirteen shillings	718 13 0
Westborough, . . .	22 1 0	809 1 3	Eight hundred and eighteen pounds thirteen shillings and three pence	837 1 3
Northborough, . . .	16 0 0	536 5 0	Five hundred and fifty-eight pounds six shillings	538 6 0
Shrewsbury, . . .	52 10 0	914 1 3	Nine hundred and thirty pounds one shilling and three pence	930 1 3
Lunenburg, . . .	33 5 0	965 6 3	One thousand and seventeen pounds sixteen shillings and three pence	1017 16 3
Fitchburg, . . .	33 5 0	667 3 9	Seven hundred pounds eight shillings and nine pence	700 8 9

COUNTY OF WORCESTER — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £300,000.	Total.
	£. s. d.	£. s. d.	£. s. d.
Uxbridge,	49 14 0	982 10 0	One thousand and thirty-two pounds four shillings
Harvard,	37 1 0	992 3 9	One thousand and forty-nine pounds four shillings and nine pence
Dudley,	62 6 0	717 10 0	Seven hundred and seventy-nine pounds sixteen shillings
Bilston,	33 12 0	727 3 9	Seven hundred and sixty pounds fifteen shillings and nine pence
Clyton,	20 13 0	667 10 0	Six hundred and twenty-eight pounds three shillings
Sturbridge,	49 0 0	1093 15 0	One thousand one hundred and forty-two pounds fifteen shillings
Leominster,	0 7 0	791 17 6	Seven hundred and ninety-two pounds four shillings and six pence
Huddersbach,	22 1 0	1313 15 0	One thousand three hundred and thirty-five pounds sixteen shillings
Halden, . . . . .	.	720 0 0	Seven hundred and twenty pounds
Western,	37 16 0	737 10 0	Seven hundred and seventy-five pounds six shillings
Douglass,	57 15 0	585 0 0	Six hundred and forty-two pounds fifteen shillings
Grafton,	59 3 0	787 10 0	Eight hundred and forty-six pounds thirteen shillings
Petersham,	53 11 0	1113 15 0	One thousand one hundred and sixty-seven pounds six shillings
Royalston,	58 9 0	825 0 0	Five hundred and eighty-three pounds nine shillings
Wetminster,	62 19 0	843 8 9	Nine hundred and six pounds seven shillings and nine pence
Templeton,	32 11 0	871 17 6	Nine hundred and four pounds eight shillings and six pence
Princeson, . . . . .	.	772 10 0	Seven hundred and seventy-two pounds ten shillings
Ashburnham, . . . . .	.	460 12 6	Four hundred and sixty pounds twelve shillings and six pence
Winchendon,	12 15 0	544 7 6	Five hundred and fifty-seven pounds two shillings and six pence
Northbridge, . . . . .	.	330 0 0	Three hundred and thirty pounds
Ward,	31 3 0	421 5 0	Four hundred and fifty-two pounds eight shillings
Athol,	69 6 0	640 0 0	Seven hundred and nine pounds six shillings
Millford,	57 15 0	726 5 0	Seven hundred and eighty-four pounds
Sterling,	53 18 0	1150 18 9	One thousand two hundred and four pounds sixteen shillings and nine pence
Berlin, . . . . .	.	378 8 9	Three hundred and seventy-eight pounds eight shillings and nine pence
Garthorpe,	10 1 0	224 13 9	Two hundred and thirty-four pounds fourteen shillings and nine pence
Boylston,	14 2 0	807 3 9	Eight hundred and twenty-one pounds five shillings and nine pence
	1716 1 0	41275 12 6	Forty-two thousand nine hundred and ninety-one pounds thirteen shillings and six pence
			42991 13 6

COUNTY OF CUMBERLAND.

	£. s. d.	£. s. d.	£. s. d.	
Falnmouth, . . .	40 12 0	2274 7 6	Two thousand three hundred and fourteen pounds nineteen shillings and six pence . . .	£. s. d. 2314 19 6
North Yarmouth, . .	39 11 0	1580 0 0	One thousand five hundred and sixty-nine pounds eleven shillings . . .	1569 11 0
Scarborough, . . .	85 0 0	1381 5 0	One thousand four hundred and sixteen pounds five shillings . . .	1416 5 0
Branswick, . . .	637 10 0	637 10 0	Five hundred and thirty-seven pounds ten shillings . . .	637 10 0
Harpeswell, . . .	22 15 0	540 0 0	Six hundred and sixty-two pounds fifteen shillings . . .	562 15 0
Cape Elizabeth, . .	697 10 0	697 10 0	Six hundred and ninety-seven pounds ten shillings . . .	697 10 0
Gorham, . . .	47 19 0	990 0 0	One thousand and thirty-seven pounds nineteen shillings . . .	1037 19 0
Widham, . . .	502 10 0	502 10 0	Five hundred and two pounds ten shillings . . .	502 10 0
New Gloucester, . .	56 0 0	585 12 6	Six hundred and forty-one pounds twelve shillings and six pence . . .	641 12 6
Gray, . . .	219 1 3	219 1 3	Two hundred and nineteen pounds one shilling and three pence . . .	219 1 3
Pearsontown, . . .				
Standish, . . .		292 10 0	Two hundred and ninety-two pounds ten shillings . . .	292 10 0
Royalshorough, . .		210 0 0	Two hundred and ten pounds . . .	210 0 0
Raymondstown, . .		97 10 0	Ninety-seven pounds ten shillings . . .	97 10 0
Bakerstown, . . .		160 12 6	One hundred and sixty pounds twelve shillings and six pence . . .	160 12 6
Sylvestor, . . .		149 13 9	One hundred and forty-nine pounds thirteen shillings and nine pence . . .	149 13 9
Bridgestown, . . .		127 3 9	One hundred and twenty-seven pounds three shillings and nine pence . . .	127 3 9
Shepardstown, . .		123 15 0	One hundred and twenty-three pounds fifteen shillings . . .	123 15 0
Ottisfield Plantation, .		90 0 0	Ninety pounds . . .	90 0 0
	241 17 0	10609 1 3	Ten thousand eight hundred and fifty pounds eighteen shillings and nine pence . . .	10850 18 9

COUNTY OF LINCOLN.

	£. s. d.	£. s. d.	£. s. d.	
Parnthorough, . . .	29 1 0	894 7 6	Nine hundred and twenty-three pounds eight shillings and six pence . . .	£. s. d. 923 8 6
Corpestown, . . .	21 0 0	816 5 0	Eight hundred and thirty-seven pounds five shillings . . .	837 5 0
Newcastle, . . .	31 10 0	430 6 3	Four hundred and sixty-one pounds sixteen shillings and three pence . . .	461 16 3
Woolwich, . . .	41 6 0	466 17 6	Five hundred and eight pounds three shillings and six pence . . .	508 3 6

COUNTY OF LINCOLN — CONCLUDED.

TOWNS.	Representatives' Pay.	Proportion of £200,000.		Total.
	£. s. d.	£. s. d.		£. s. d.
Walthorborough, .	32 4 0	430 0 0	Four hundred and sixty-two pounds four shillings	462 4 0
Topsham, .	25 11 0	372 10 0	Three hundred and ninety-eight pounds one shilling	398 1 0
Winstone, .	30 9 0	199 7 6	Two hundred and twenty-nine pounds sixteen shillings and six pence	229 16 6
Bowthorpe, .	35 14 0	300 12 6	Three hundred and thirty-six pounds six shillings and six pence	336 6 6
Boothbay, .	34 6 0	417 16 3	Four hundred and fifty-two pounds two shillings and three pence	452 2 3
Bristol, .	67 4 0	715 0 0	Seven hundred and eighty-two pounds four shillings	782 4 0
Vassalborough, .	. 19 19 0	443 2 6	Four hundred and forty-three pounds two shillings and six pence	443 2 6
Edgemoor, .	. . .	346 17 6	Three hundred and sixty-six pounds sixteen shillings and six pence	366 16 6
Hallowell, .	. . .	473 2 6	Four hundred and seventy-three pounds two shillings and six pence	473 2 6
St. Georges, .	. . .	262 3 9	Two hundred and sixty-two pounds three shillings and nine pence	262 3 9
Warren, .	25 4 0	223 2 6	Two hundred and forty-eight pounds six shillings and six pence	248 6 6
Thornston, .	57 15 0	204 7 6	Two hundred and sixty-two pounds two shillings and six pence	262 2 6
Bath, .	39 11 0	498 2 6	Five hundred and thirty-seven pounds thirteen shillings and six pence	537 13 6
Winthrop, .	53 4 0	326 7 6	Three hundred and eighty pounds one shilling and six pence	380 1 6
Leviestown, .	. . .	173 15 0	One hundred and seventy-three pounds fifteen shillings	173 15 0
Balldown, .	. . .	170 12 6	One hundred and seventy pounds twelve shillings and six pence	170 12 6
Wapole, .	. . .	195 12 6	One hundred and ninety-five pounds twelve shillings and six pence	195 12 6
Wales, .	. . .	96 5 0	Ninety-six pounds five shillings	96 5 0
Canaan, .	. . .	170 18 9	One hundred and seventy pounds eighteen shillings and nine pence	170 18 9
Pittston, .	. . .	285 12 6	Two hundred and eighty-five pounds twelve shillings and six pence	285 12 6
Meduncook, .	. . .	175 18 9	One hundred and seventy-five pounds eighteen shillings and nine pence	175 18 9
Norridgewalk, .	. . .	116 5 0	One hundred and sixteen pounds five shillings	116 5 0
Sterlington, .	. . .	65 0 0	Sixty-five pounds	65 0 0
Belfast, .	. . .	78 8 9	Seventy-eight pounds eight shillings and nine pence	78 8 9
Machias, .	. . .	302 10 0	Three hundred and two pounds ten shillings	302 10 0
Camden, .	. . .	98 2 6	Ninety-eight pounds two shillings and six pence	98 2 6
Hancock, .	. . .	159 7 6	One hundred and fifty-nine pounds seven shillings and six pence	159 7 6

<i>Mount Desert Plantation</i> ,	228 15 0	Two hundred and twenty-eight pounds fifteen shillings	. . . . .	228 15 0
<i>Plantation No. 1, east side of Penobscot River</i> ,				
No. 2,	101 5 0	One hundred and one pounds five shillings	. . . . .	101 5 0
No. 3,	105 12 6	One hundred and five pounds twelve shillings and six pence	. . . . .	105 12 6
No. 4,	342 3 9	Three hundred and forty-two pounds three shillings and nine pence	. . . . .	342 3 9
No. 5,	180 12 6	One hundred and eighty pounds twelve shillings and six pence	. . . . .	180 12 6
No. 6,	155 18 9	One hundred and fifty-five pounds eighteen shillings and nine pence	. . . . .	155 18 9
<i>Plantation No. 1, east side of Union River</i> ,				
No. 2,	185 18 9	One hundred and eighty-five pounds eighteen shillings and nine pence	. . . . .	185 18 9
No. 3,	169 13 9	One hundred and sixty-nine pounds thirteen shillings and nine pence	. . . . .	169 13 9
No. 4,	121 11 3	One hundred and twenty-one pounds eleven shillings and three pence	. . . . .	121 11 3
No. 5,	72 10 0	Seventy-two pounds ten shillings	. . . . .	72 10 0
No. 6,	152 3 9	One hundred and fifty-two pounds three shillings and nine pence	. . . . .	152 3 9
<i>Plantation No. 22</i> ,	118 2 6	One hundred and eighteen pounds two shillings and six pence	. . . . .	118 2 6
<i>Plantation on the west side of Penobscot River</i> , from <i>Belfast</i> so far up the river as to include the Widow Wheeler's mills,	61 5 0	Sixty-one pounds five shillings	. . . . .	61 5 0
<i>Plantation on the west side of the said river</i> , from the Widow Wheeler's mills up the river,	158 15 0	One hundred and fifty-eight pounds fifteen shillings	. . . . .	158 15 0
<i>Deer Island Plantation</i> , in <i>Penobscot Bay</i> ,	133 8 9	One hundred and thirty-three pounds eight shillings and nine pence	. . . . .	133 8 9
<i>Fox Island Plantation</i> ,	331 17 6	Three hundred and thirty-one pounds seventeen shillings and six pence	. . . . .	331 17 6
<i>Penobscot Long Island</i> ,	191 17 6	One hundred and ninety-one pounds seventeen shillings and six pence	. . . . .	191 17 6
	117 16 3	One hundred and seventeen pounds sixteen shillings and three pence	. . . . .	117 16 3
	12994 13 9	Thirteen thousand five hundred thirty-eight pounds eleven shillings and nine pence	. . . . .	13538 11 9

COUNTY OF BERKSHIRE.

	£. s. d.		£. s. d.
<i>Sheffield</i> ,	53 17 0	One thousand five hundred and fifty-six pounds thirteen shillings and three pence	1556 13 3
<i>Great Barrington</i> ,	39 11 0	Nine hundred forty-eight pounds eighteen shillings and six pence	948 18 6

COUNTY OF BERKSHIRE — CONCLUDED.

Towns.	Representatives' Pay.	Proportion of £300,000.		Total
	£. s. d.	£. s. d.		£. s. d.
Stockbridge, . . .	51 2 0	906 5 0	Nine hundred fifty-seven pounds and seven shillings . . .	957 7 0
Pittsfield, . . .	35 7 0	1430 6 3	One thousand four hundred and sixty-five pounds thirteen shillings and three pence . . .	1465 13 3
Richmond, . . .	37 9 0	1010 12 6	One thousand and forty-eight pounds one shilling and six pence . . .	1048 1 6
Lenox, . . .	29 8 0	821 11 3	Eight hundred and fifty pounds nineteen shillings and three pence . . .	850 19 3
Leamshorough, . . .	27 13 0	1326 17 6	One thousand three hundred and fifty-four pounds ten shillings and six pence . . .	1354 10 6
Williamstown, . . .	29 15 0	1027 10 0	One thousand and fifty-seven pounds and five shillings . . .	1057 5 0
Adams, . . .	59 3 0	1111 17 6	One thousand one hundred and seventy-one pounds and six pence . . .	1171 0 6
Egremont, . . .	53 11 0	476 5 0	Five hundred and twenty-nine pounds sixteen shillings . . .	529 16 0
Becket, . . .	22 1 0	364 1 3	Three hundred and eighty-six pounds two shillings and three pence . . .	386 2 3
West Stockbridge, . . .	31 10 0	495 0 0	Five hundred and twenty-six pounds ten shillings . . .	526 10 0
Dalton, . . .	. . .	276 17 6	Two hundred and seventy-six pounds seventeen shillings and six pence . . .	276 17 6
Alford, . . .	40 5 0	291 5 0	Three hundred and thirty-one pounds ten shillings . . .	331 10 0
New Ashford, . . .	. . .	150 12 6	One hundred and fifty pounds twelve shillings and six pence . . .	150 12 6
New Marlborough, . . .	19 5 0	822 3 9	Eight hundred and forty-one pounds eight shillings and nine pence . . .	841 8 9
Tyringham, . . .	36 8 0	696 5 0	Seven hundred and thirty-two pounds thirteen shillings . . .	732 13 0
Loudon, . . .	. . .	144 1 3	One hundred and forty-four pounds one shilling and three pence . . .	144 1 3
Winsor, . . .	55 13 0	514 7 6	Five hundred and seventy pounds and six pence . . .	570 0 6
Partridgefield, . . .	47 19 0	409 1 3	Four hundred and fifty-seven pounds and three pence . . .	457 0 3
Hawcock, . . .	9 2 0	523 8 9	Five hundred and thirty-two pounds ten shillings and nine pence . . .	532 10 9
Lee, . . .	51 9 0	580 12 6	Six hundred and thirty-two pounds one shilling and six pence . . .	632 1 6
Washington, . . .	16 2 0	270 6 3	Two hundred and eighty-six pounds eight shillings and three pence . . .	286 8 3
Scarsfield, . . .	34 13 0	1018 2 6	One thousand and fifty-two pounds fifteen shillings and six pence . . .	1052 15 6
Mr. Washington, . . .	3 4 0	89 1 3	Ninety-two pounds five shillings and three pence . . .	92 5 3
	784 7 0	17168 15 0	Seventeen thousand nine hundred fifty-three pounds two shillings . . .	17953 2 0

SUMS TOTAL.

COUNTIES.	Amount of Repre- sentatives Pay.	Amount on Tax of £300,000.	Total Amount.
	£. s. d.	£. s. d.	£. s. d.
Suffolk, . . .	1313 14 0	44711 11 3	46025 5 3
Essex, . . .	1039 3 0	42164 13 9	43203 16 9
Middlesex, . . .	1577 11 0	34962 16 3	36540 7 3
Hampshire, . . .	1736 7 0	32720 12 6	34456 19 6
Plymouth, . . .	689 7 0	19591 5 0	20280 12 0
Barnstable, . . .	257 19 0	6954 7 6	7212 6 6
Bristol, . . .	532 2 0	18725 6 3	19257 8 3
York, . . .	394 9 0	14095 18 9	14490 7 9
Dukes-County, . . .	118 13 0	1959 7 6	2078 0 6
Nantucket, . . .	57 1 0	2067 10 0	2124 11 0
Worcester, . . .	1716 1 0	41275 12 6	42991 13 6
Cumberland, . . .	241 17 0	10609 1 3	10850 18 3
Lincoln, . . .	543 18 0	12994 13 9	13538 11 9
Berkshire, . . .	784 7 0	17168 15 0	17953 2 0
	£.11001 18 0	300001 11 3	311003 9 3
			437 10 0
			£. 311440 19 3

Add to sum total, on account of Waldo lands,

And be it enacted by the authority aforesaid, That the Treasurer of this Commonwealth do forthwith send his warrants, directed to the Selectmen or Assessors of each town, district or other place, within this Commonwealth, that are taxed, requiring them respectively to assess the sum hereby set upon such town or other place, in manner following, *that is to say*, to assess all the male polls above the age of sixteen years within their respective towns or other places next adjoining to them, belonging to no other town or place, including negroes and mulattoes, and such of them as are under the government of a master or mistress to be taxed to such master or mistress respectively, in the same manner as minors and apprentices are taxed, at *twenty-five shillings* each; and the remainder of the sum set to each town or other place, after deducting the sums assessed on the polls as aforesaid, on the inhabitants of the said town or other place as aforesaid, according to the just value of the whole real estate by each inhabitant of such town or place respectively possessed, on the first day of *May*, one thousand seven hundred and eighty-six, in his own right or in the right of others, lying within the said town or place, improved or not improved; and on the non-resident possessors of real estate lying within said town or place, in their own right or in the right of others, improved or not improved; saving all agreements between landlords and tenants; and where no agreement is, the landlord to reimburse one half of the tax; and also on the inhabitants of such town or place, and on other persons possessing estate within the same, according to the proportion of the amount and just value of their whole personal estate, including money at interest more than they pay interest for, although the same be secured by an absolute conveyance of real estate, if a bond of defeasance or a promise of reconveyance has been given (excepting only such monies as are lent to government, and by an act of government expressly exempted from taxation) monies of all kind in hand, and also the amount of the just value of all goods, wares or merchandize, stock in trade, vessels of all sorts, at home or abroad, with their stores, appurtenances and appendages, plate, horses, oxen and cattle of all sorts and ages, swine and grain of all sorts, and all kind of the produce of the land, and all other property whatsoever, excepting household furniture, wearing apparel, farming utensils and the tools

of mechanics, on the first day of *May* next; and the Assessors in their respective towns or other places, shall estimate all the before enumerated articles at *six per cent.* upon the real value of the same, in the places where they are (excepting unimproved lands, which shall be estimated at *two per cent.* only) and on the amount of their income from any profession, faculty, handicraft, trade or employment, and also on the amount of all their incomes and profits gained by trading by sea or on shore. And the Treasurer, in his said warrants, shall likewise require the Assessors to make a fair list of the said assessment, setting forth, in distinct columns against each person's name, how much he or she is assessed at for polls, and how much for real estate, and how much for personal estate, and how much for faculty and for income by trade as aforesaid; and if as for guardian or for any estate in his or her improvement in trust, to be distinctly expressed; and shall also insert upon their rate bills the number of acres of unimproved land which they have taxed to each of the non-resident proprietors of land within their respective towns or other places, and also the real value at which they have estimated the same; and the list or lists so perfected and signed by them in manner aforesaid, or by the major part of them, to commit to the Collector or Collectors, Constable or Constables, of any such town or place, with a warrant or warrants in due form of law for collecting and paying the same to the Treasurer of this Commonwealth, and to return a certificate of the name or names of such Collector or Collectors, Constable or Constables, with the sum total to each of them committed, unto the said Treasurer, some time before the first day of *July* next; and make and subscribe a certificate of the same in due form of law. *Provided nevertheless*, That the following persons *viz.* The President, Professors, Tutors, Librarian, and the Students of Harvard College, who have their usual residence there, and who enjoy no other pecuniary office or employment, and settled Ministers of the Gospel and Grammar School Masters, are not to be assessed for their polls or for their estates, unless their estate be not under their actual management or improvement, or not in the parishes where they are settled; and also all persons who have the management and improvement of the estate of Harvard College, are not to be assessed for the same, nor Indians for their polls or

estates ; and if there be any other persons who by reason of age, infirmity or poverty, are unable to pay, as others, towards the public charges, or any widows or orphans, who depending on the interest of their money for their subsistence, or who by receiving paper money in the course of the late war, have been so reduced, as that, in the judgment of the Assessors they ought to be relieved in their taxes ; in any such case the Assessors may exempt their polls or estates, or abate any part of what they are set at, as they on their oaths shall think just and equitable. And the Justices in their Sessions in their respective counties assembled, in apportioning a county tax or assessment, are hereby ordered and directed to apportion the same on the several towns or other places, in such county, in proportion to this tax ; and the Assessors in each town, parish or other place within this Commonwealth, are also directed, in making town or parish taxes, to govern themselves by the same rule, having regard to all such alterations of polls or of property as may happen within the same, subsequent to their assessing this tax as aforesaid.

And be it further enacted by the authority aforesaid, That the Commissioner of the Loan Office in this State, or any Justice of the Peace, or Clerk of any town, district or plantation, be, and they are hereby respectively authorized to administer an oath or affirmation, (as the case may be) to the holders of Certificates of liquidated Debts hereafter mentioned, other than Loan Office Certificates, in the form following, *viz.*

You *A. B.* do solemnly swear or affirm (as the case may be) that the Certificate in your possession, now exhibited, or to be exhibited to the Commissioner of the Continental Loan Office, is *bona fide* the property of this Commonwealth, or a citizen or citizens of this State, or of some corporate body or charitable institution within the same, or of some person who is not a citizen of any of the United States.

So help you God.

And any Justice of the Peace, or Clerk of any Town, District or Plantation, before whom such oath or affirmation shall be made, shall make and subscribe a certificate thereof, mentioning therein the date and number of such Certificates of Liquidated Debts, and the persons to whom,

and the sums for which they were given; for each of which oaths or affirmations, and certificates thereof, he shall receive *six pence*, and no more, to be paid by the person or persons exhibiting the same.

And be it further enacted, That the Treasurer of this Commonwealth be, and he is hereby directed to issue to such possessors of army notes as shall apply for the same, a certificate or certificates, in lieu of such note or notes, in the form following, *viz.*

TREASURER'S OFFICE, *Boston*, 178 N^o.

Pursuant to a law of this Commonwealth, I do hereby certify, that there is due to or bearer, the sum of and this certificate shall be received in payment for one third of the tax granted in *March*, 1786, equal to the same sum in gold and silver.

T. I. Treasurer.

And the same shall be received in payment at the treasury, for that third part of this tax appropriated for the redemption of army notes, equal to the same sum in gold and silver.

And be it further enacted, That interest shall be allowed by the Treasurer and Collectors, on such of said army notes as shall be received in payment of this tax, until the first day of *April*, *Anno Domini*, one thousand seven hundred and eighty-seven, and not afterwards.

And to prevent fraud in Constables and Collectors,

Be it enacted, That each Constable or Collector of taxes shall, on his presenting any of the Certificates, Notes, or orders, as aforesaid, and before he is credited for the same, take the following oath before the Treasurer of this Commonwealth, or before some Justice of the Peace, who is directed to administer the same without any fee, *viz.*

I, *A. B.* do swear, that all the Army Notes, Orders, or Certificates (as the case may be) now offered by me in payment of the tax granted in *March*, *Anno Domini*, one thousand seven hundred and eighty-six, to the amount of were actually received from the several persons named in my rate list, in discharge of the taxes committed to me to collect, without any discount or premium, either directly or indirectly, or any promise or hope of reward whatever, and that I have given seasona-

ble notice to all the persons mentioned in the said list, that one third part of the said taxes might be paid in the Army Notes, and one third part in the Certificates of the Loan Officer.
So help me God.

And the Justice before whom such oath shall be taken, shall make and sign a certificate thereof, expressing therein the date, number and amount of such note or Notes, order or orders, Certificate or Certificates, which Certificate made and signed as aforesaid, shall be delivered to the Treasurer with the said Public Notes, orders and Certificates; on receipt of which, the Treasurer is directed to give such Constable or Collector credit for the amount thereof, and not otherwise. And if any Constable or Collector shall be guilty of receiving any premium or reward, in any way whatsoever, contrary to the true intent and meaning of this act, and shall be thereof convicted in the Supreme Judicial Court, or any Court of General Sessions of the Peace within this Commonwealth, he shall pay a fine not exceeding *One hundred pounds* for each offence, to be recovered by information or by indictment or presentment of the Grand Jury, one half to the informer and the other half to the use of this Commonwealth.

And be it enacted, That the monies arising from this act shall be appropriated to the purposes hereafter mentioned, *to wit*, *one hundred forty-five thousand, six hundred and fifty-five pounds* thereof, for the purpose of complying with the requisition of the United States in Congress assembled, of the twenty-seventh day of *September, Anno Domini*, one thousand seven hundred and eighty-five, one third part of said sum to be paid in specie, and two third parts thereof in Certificates issued from the Loan Office of this or of any of the United States, in pursuance of the said requisition; the payments in specie to be in the proportion aforesaid, and to be completed by the first day of *January*, one thousand seven hundred and eighty-seven; and if the said certificates are not collected before the first day of *January*, one thousand seven hundred and eighty-seven, then and in such case the Constables and Collectors, be, and are hereby empowered to demand and receive the whole of said sum in specie only.

And be it enacted, That *Twenty-five thousand seven hundred and eighty-four pounds one shilling and three*

pence thereof, in specie, be, and is hereby appropriated for the support of civil government in this Commonwealth, and the further sum of *Twenty-nine thousand pounds*, be, and is hereby appropriated towards the payment of interest on the government securities of this Commonwealth.

And be it further enacted, That the remaining sum of *One hundred thousand pounds*, be, and is hereby appropriated for the redemption of such of the army notes as are payable in the years one thousand seven hundred and eighty-four, one thousand seven hundred and eighty-five, and one thousand seven hundred and eighty-six, and are not already provided for in the tax act passed in *July*, one thousand seven hundred and eighty-four.

Provided nevertheless, That for the more easy and convenient collection of the tax aforesaid, the Collectors of the said tax in the several towns, districts and plantations in this Commonwealth, be, and they are hereby authorized and directed, to receive one third part of the said tax in certificates, issued from the Loan Office, for the interest of the said liquidated debts, provided the same are paid to them respectively, with a sum in specie equal to one half of such Certificates, on or before the first day of *January* next; and the Treasurer of this Commonwealth is hereby empowered and directed to receive of the said Collectors, the certificates which shall be collected as aforesaid, in the proportion abovementioned. And the said Collectors are also authorized and directed to collect and receive one third part of the aforesaid tax in the said Army Notes or Certificates issued therefor as aforesaid, and to collect the residue of the said Tax in specie, any thing in this act to the contrary notwithstanding.

And whereas the inhabitants of some of the towns in this Commonwealth, may think it for the interest of their respective towns, that they exert themselves to obtain and get into their possession certificates of final settlements and other liquidated debts of the United States, to enable them to pay their proportion of the requisition of Congress, for the payment of the interest of the domestic debt:

Be it therefore enacted by the authority aforesaid, That the several towns in this Commonwealth be, and they are hereby authorized and empowered to grant such taxes, payable in the Certificates of the liquidated debts abovementioned, or in specie, as they may think necessary, to obtain such town's proportion of the certificates issued

for the domestic debt of the United States; and the Assessors of such town are hereby authorized to assess the same accordingly.

And whereas there are many persons who dwell or reside in some towns, within this Commonwealth, but are engaged in trade and negociate their business almost entirely in other towns, and there hire shops, stores or wharves; and it is apparent that the Assessors of the towns where such persons reside or dwell cannot be so well acquainted with the business transacted by them, as the Assessors of the town where the same is done.

*Be it therefore enacted by the authority aforesaid, That all persons within the description aforesaid, shall be assessed and pay taxes for such of their goods, wares and merchandize, stock in trade, ships and vessels, as are sold, used or improved in the towns where they hire stores, shops or wharves, or transact the principal part of their business, and for their faculties exercised, and not in the towns where they live, and shall accordingly give in on oath, if required, a list of their whole estate to the Assessors of the respective towns, distinguishing what part thereof is rateable in each town, and in default thereof shall be doomed by the Assessors respectively: *Provided*, That this clause be not in any case so construed as to enable any town to tax any inhabitant of any other town for any estate for which such town hath been charged in the last valuation.*

*And be it further enacted, That all the sums mentioned, in this act (except the sum appropriated to comply with the requisition of the United States in Congress assembled, which is herein before directed to be paid in by the first day of January next) be paid in, on or before the first day of April, in the year of our Lord, one thousand seven hundred and eighty-seven. And the Assessors of the several towns who are charged with the pay of Representatives, are directed, in apportioning the same, to assess an additional sum on polls and estates in proportion to the sum they are respectively set at in the said *Three hundred thousand four hundred and thirty-nine pounds one shilling and three pence.**

And whereas there is a large part of the lands comprehended within the claim of the heirs and assigns of the late Brigadier Waldo, which have not been returned in the late returns for valuation, nor by any means taken into

view as a subject of taxation, and as it is just and reasonable that the said land should pay its equal proportion of the public taxes, in the same manner as other lands of the like kind are taxed:

Be it therefore further enacted by the authority aforesaid, That the sum of Four hundred and thirty-seven pounds ten shillings, be, and is hereby levied on the lands lying within the claim aforesaid, which are not liable to be taxed by virtue of any other clause in this act, and shall be paid in the same kind and proportion, as this act requires of the towns and plantations within this Commonwealth; and the Treasurer is hereby directed to send his warrant to the Sheriff of the county of Lincoln, requiring him to collect of the heirs and assigns of the late Brigadier General Waldo, the said sum of Four hundred and thirty-seven pounds ten shillings, in the same manner as Constables and Collectors are authorized and directed to proceed in the collection of taxes laid on non-resident proprietors of unimproved lands, and pay the same to himself on or before the first day of April, one thousand seven hundred and eighty-seven.

March 23, 1786.

1785. — Chapter 75.

[February Session, ch. 34.]

AN ACT FOR REGULATING TOWNS, SETTING FORTH THEIR POWER, AND FOR THE CHOICE OF TOWN OFFICERS, AND FOR REPEALING ALL LAWS HERETOFORE MADE FOR THAT PURPOSE.

Chap. 75

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the bounds of all townships shall be, and remain as heretofore granted, settled and established. And to prevent an interference of jurisdiction, the lines between towns shall be run, and the marks renewed within three years from the last day of March instant, and once every five years forever after, by two or more of the Selectmen of each town, or such other persons as they shall in writing appoint, to run and renew the same; and their proceedings, after every such renewal of boundaries, shall be recorded in the respective town books. The Selectmen of the most ancient town to give notice in writing unto the Selectmen of the adjoining town, of the time and place of

Lines between towns to be run, and marks renewed, once in five years.

meeting for such perambulation, ten days before hand; and the selectmen who shall neglect their duty in notifying or attending, either personally or by their substitutes, to perambulate the line, at the time and place assigned as aforesaid, shall severally forfeit and pay the sum of *Five pounds*, two-thirds to the use of the town which shall comply with their duty as aforesaid, and the other third part unto any two or more of the selectmen of the town so complying, who are hereby empowered to inform or sue therefor, in the Court of Common Pleas for the same county, at any time within two years after the forfeiture shall be incurred, and not afterwards.

Freeholders and other inhabitants of towns, shall meet annually for the choice of town officers.

And be it further enacted by the authority aforesaid, That the freeholders and other inhabitants of each town in this government, who shall pay to one single tax, besides the poll or polls, a sum equal to two-thirds of a single poll-tax, shall, in the month of *March* or *April* annually, meet and assemble at such time and place, in the same town, as they shall be notified to attend, by the constable or constables of the town, or such others as the Selectmen shall appoint to notify the same; and the said Freeholders, and other inhabitants, shall then and there, by a major vote, choose a Clerk, (who shall be under oath truly to record all votes passed in such and other town meetings during the year, and until another clerk shall be chosen and sworn in his stead, and also faithfully to discharge all the other duties of his said office) three, five, seven or nine able and discreet persons of good conversation, inhabiting in the town, to be Selectmen or Townsmen, and Overseers of the Poor, where other persons shall not be particularly chosen to that office, (which any town may do if they shall think it necessary and convenient) three or more Assessors, two or more judicious persons for Fence-viewers, Treasurer, Surveyors of highways, Surveyors of lumber, Wardens, Tythingmen, Sealers of leather, Measurers of wood, Clerks of the market, Constables, and other usual Town Officers; the said officers to be chosen by ballot, or such other method as the voters agree upon. And the town clerk, or two of the selectmen, shall forthwith make out a list of the names of all those who shall be then chosen into office, of whom an oath is by law required, and deliver the same to some constable or constables of the same town, together with a warrant to him or them directed, who is hereby required, within three days after receiving such warrant,

Persons chosen into office, to be summoned to appear before the town clerk to take the oath prescribed by law.

to notify and summon each of the said persons to appear before the town clerk within seven days from the time of such notice, to take the oath by law prescribed to the office into which they are severally chosen; and every person who shall neglect to appear before the town clerk, within the said seven days, and take the oath of office unto which he is chosen and summoned as aforesaid, which oath the town clerk is hereby authorized to administer, (unless such person is by law exempted from serving in the office) shall forfeit and pay to him or them that will inform or prosecute therefor, the sum of *thirty shillings*, except constables and such other officers, for whose neglect a different penalty is provided, two-thirds for the use of the town, and the other third to the use of the prosecutor.

Forfeiture for neglecting to appear.

Provided always, That any person who shall take the oath of office before a Justice of the Peace, and file a certificate thereof with the town clerk, within the said ten days, shall be exempted from the said fine; and every constable shall, at the expiration of the term of ten days from the time of receiving such warrant, make a return into the clerk's office of the same town, of the warrant to him committed as aforesaid, with his doings thereon, for a neglect of which, he shall forfeit and pay the sum of *forty shillings*, to be to the use of the town; the constable to be allowed such reasonable sum for his services upon this and other town business as the inhabitants shall agree upon.

Proviso.

And be it further enacted, That no person shall be obliged to serve in any town office two years successively; nor shall any person in commission for any office, civil or military, church officer, member of the Council, Senate or House of Representatives, for the time being, nor any one who has served in the office of a constable or collector of any town, district, parish or precinct, within seven years, be obliged to serve in the office of constable; and every person chosen to the office of constable, and not exempted as aforesaid, who shall refuse to take the oath to that office prescribed, and to serve therein, if he be able in person to execute the same, shall forfeit and pay to the use of the town, the sum of *Five pounds*, and if in *Boston*, *Salem* or *Newburyport*, *Ten pounds*, and shall, if present, forthwith declare his acceptance or refusal; and in case he shall not declare his acceptance the town shall proceed to a new choice, and so from time to time until one

Persons exempted from serving as Constables.

Persons not exempted, refusing to serve.

Forfeiture.

shall accept and be sworn; and any person who shall be present and declare his refusal to serve in the office of constable, or who shall neglect, after being summoned as aforesaid, to take the oath of office, for the space of seven days next after such summons, and shall also neglect to pay the fine aforesaid, shall, upon the application of the town treasurer, be summoned before the Court of General Sessions of the Peace in the county in which such town lieth; and a certificate under the hand of the clerk, or two of the selectmen, certifying that such person was legally chosen to the office of constable, shall be admitted as evidence of the fact; and if the person summoned shall make default, or appearing, shall not shew sufficient cause to the Court for his refusal, the Court shall order a warrant under the seal thereof, directed to any of the constables of the same town then in office, to levy the fine by distress and sale of the offenders goods and chattels, returning the overplus, (if any be) together with the costs arising on such prosecution; and for want of goods and chattels, to commit the delinquent to prison until the same shall be paid. And the Town Clerk, shall make a record of such persons as shall from time to time, be sworn into office before him, or of such as shall file certificates of their being sworn as aforesaid.

Town Clerk to record such as are sworn into office.

In case of vacancy in any office, towns may proceed to a new choice.

And be it further enacted, That when by reason of non-acceptance, death or removal of any person chosen to office in any town, at the annual meeting for the choice of town officers, or at any other time, or by reason of a person's becoming *non compos*, there is a vacancy, or want of such officers, the town, being orderly assembled in the manner this act directs, may proceed to a new choice of officers to supply and fill up such vacancy; and the person or persons thus chosen and sworn before the town clerk, or a Justice of the Peace, (in case an oath of office is by law required) shall have the same power and authority to discharge the duties of the office, as though chosen at the annual meeting for the choice of town officers.

Manner of calling town meetings.

And be it further enacted by the authority aforesaid, That when there shall be occasion of a town meeting, the constable or constables, or such other person as shall be appointed for the purpose, by warrant from the Selectmen, or the major part of them, shall summon and notify the inhabitants of such town to assemble at such time and place, in the same town, as the Selectmen shall order, the

manner of summoning the inhabitants to be such as the town shall agree upon; and when ten or more of the freeholders of a town shall signify in writing their desire to have any matter or thing inserted in a warrant for calling a meeting, the Selectmen are hereby required to insert the same in the next warrant they shall issue for a meeting, or call a meeting for the express purpose of considering thereof; and no matter or thing shall be acted upon in such a manner as to have any legal operation whatever, unless the subject matter thereof be inserted in the warrant for calling the meeting; and in case the Selectmen shall unreasonably deny to call a meeting upon any public occasion, any ten or more of the freeholders of such town may apply to a Justice of the Peace within and for the same county, who is hereby authorized and empowered to issue his warrant under his hand and seal, directed to the Constable or Constables of the town, if any such there be, otherwise to any of the freeholders applying therefor, directing him or them to notify and warn the inhabitants qualified to vote in town affairs, to assemble at such time and place in the same town as the said Justice shall in his said warrant direct, and for the purpose in the same warrant expressed. And when by reason of death, removal or resignation of Selectmen, a major part of the number originally chosen shall not remain in office within any town, in every such case, a major part of the survivors, or of such as remain in office, shall have the same power to call a town meeting as a major part of the whole number first chosen.

And be it further enacted by the authority aforesaid, That at every town meeting, a Moderator shall be first chosen by a majority of votes, who shall be thereby empowered to manage and regulate the business of the meeting; and when a vote, declared by the Moderator, shall immediately after such declaration, be scrupled or questioned by seven or more of the voters present, the Moderator shall make the vote certain, by polling the voters, or such other way, as the meeting shall desire. And no person shall speak in the meeting before leave first had and obtained from the Moderator, nor when any other person is orderly speaking; and all persons shall be silent at the desire of the Moderator, on pain of forfeiting *five shillings* for the breach of every such order, to the use of the town: and if any person shall, after notice from the Moderator,

Town Meetings
regulated.

persist in his disorderly behaviour, then it shall be lawful for the Moderator to direct such disorderly person to withdraw from the meeting; and such disorderly person, upon his refusal or neglect to withdraw, shall forfeit and pay a fine of *twenty shillings*, to the use of the same town; and may also, by direction of the Moderator, be carried out of the meeting by some Constable of said town, and put into the stocks, cage, or some other place of confinement, and there be detained for the space of three hours, unless the town meeting shall sooner adjourn or dissolve. And all suits and informations for fines incurred by a breach of this act, not exceeding *forty shillings*, may be heard and determined before any Justice of the Peace in the same county, not an inhabitant of the same town, unto whom the penalty or any part thereof is given, who, upon conviction, may enforce the payment thereof by a similar process, as is herein prescribed in the Court of General Sessions of the Peace for persons who refuse to serve in the office of Constable.

Proviso.

Provided always, That town meetings for the choice of Governor, Lieutenant Governor, and Senators, shall be regulated as the constitution directs, and for the choice of Representatives as is otherwise by law prescribed; any thing in this act contained to the contrary notwithstanding. And the Moderator of any town meeting, chosen as aforesaid, is hereby authorized, in case no Justice of the Peace be present, to administer to the Clerk, in open town meeting, the oath by law prescribed to the same office.

Towns empowered to grant & assess money for necessary charges.

And be it further enacted by the authority aforesaid, That the freeholders, and other inhabitants of each respective town, qualified as aforesaid, at the annual meeting, for the choice of town officers, or at any other town meeting regularly warned, may grant and vote such sum or sums of money, as they shall judge necessary for the settlement, maintenance and support of the ministry, schools, the poor, and other necessary charges, arising within the same town; to be assessed upon the polls and property within the same, as by law provided; and they are also hereby empowered to make and agree upon such necessary rules, orders and by-laws, for the directing, managing and ordering the prudential affairs of such town, as they shall judge most conducive to the peace, welfare and good order thereof; and to annex penalties for the observance of the same, not exceeding *thirty shillings* for one offence; to

To make by-laws, &c.

enure to such uses as they shall therein direct; provided they be not repugnant to the general laws of the government; and provided also, such orders and by-laws shall have the approbation of the Court of General Sessions of the Peace of the same county: And may also allow and approve of any town or private way laid out by the Selectmen of the same town; or alter or discontinue any town or private way, heretofore laid out and improved as such, when it shall appear that the same is unnecessary for the inhabitants of such town. *Saving always*, to any person aggrieved, or who thinks himself injured, liberty of applying for remedy to the Court of General Sessions of the Peace in the same county, who are hereby empowered and directed, to enquire into and determine the matter by a jury, thereunto appointed, as well with respect to the necessity and convenience, by such discontinuance, laying out, or alteration, as to the damage that may happen or accrue, to any particular person or persons thereby; and thereupon to assess damages for the party injured, to be paid by such town; unless it appears, that the person on whose behalf application has been made, had no just cause of complaint; in which case the complainant shall pay all such costs and charge as may arise by such application to the Court of Sessions. And the verdict of a jury being received and recorded, shall be final and conclusive. *Provided*, such application be made to the Court of General Sessions of the Peace, within twelve months after such way is approved, altered, or discontinued as aforesaid, and not otherwise.

Proviso.

Court of Sessions may approve or discontinue any town or private way, laid out by Selectmen.

And be it further enacted by the authority aforesaid, That the inhabitants of every town within this government, are hereby declared to be a body politic and corporate; and as such, may commence and prosecute any suit or action in any Court proper to try the same; and may also defend any suit or action commenced against them, and for this purpose, the said inhabitants, qualified and convened in manner aforesaid, may nominate and appoint one or more agents or attorneys. The choice of the agent or attorney certified by the Town Clerk, shall be deemed and taken sufficient evidence of such appointment. And when any suit shall be commenced against any town, (or other body corporate) a copy of the writ or original summons, or such other legal process as may issue against them, shall be left with the Clerk of such town, or with one or

Inhabitants of every town, declared a body politic.

more principal inhabitants thereof, (or with the Clerk or some principal member of the body corporate) thirty days at least before the day of the sitting of the Court, unto which the same shall be returnable.

Privileges and powers of districts.

And be it further enacted by the authority aforesaid, That all places incorporated by the name of Districts, before the first day of *January*, one thousand seven hundred and seventy-seven, are hereby declared to be towns to every intent and purpose whatever; and places incorporated by the name of Districts since the same first day of *January*, one thousand seven hundred and seventy-seven, or such places as may hereafter be incorporated by the name of District, are and shall be entitled to all the privileges, and vested with all the powers in this act expressed, as amply to every intent and purpose as they could have been if expressly named herein.

And whereas in divers laws, provision is made relating to the annual meetings in March, which it is necessary should be extended to the meetings holden in the month of April, in case the annual meeting of any town should be holden in that month:

Matters and things, by law directed to be done at March meetings, may be transacted in April.

Be it therefore enacted by the authority aforesaid, That all matters and things, which by any law or resolve of this Commonwealth, are directed to be done, and transacted at the town meetings in *March*, may hereafter be done, and transacted at a town meeting in *April*; any thing in such law or resolve, to the contrary notwithstanding.

And be it further enacted by the authority aforesaid, That all laws heretofore made for the purposes mentioned in this act, be, and they hereby are repealed, and rendered null and void.

March 23, 1786.

1785. — Chapter 76.

[February Session, ch. 35.]

Chap. 76 AN ACT DIRECTING THE TIME AND MANNER OF APPOINTING COUNTY TREASURERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That there shall be annually chosen in each county within this Commonwealth, in the month of *March* or *April*, by the written votes of such persons as are by the constitution qualified to vote for Representatives in the

County Treasurer to be annually chosen.

several towns or districts, a discreet suitable person, being a freeholder, and resident in the same county, for a County Treasurer; the votes to be counted and sorted in the town or district meeting by the Moderator thereof and Town Clerk; the names of the persons voted for, and the number each person had, shall be recorded by the Clerk in the town or district book, and an attested copy of such record shall be transmitted under seal to the next Court of General Sessions of the Peace, to be held within and for the same county, on the first day of the Court's sitting; there to be opened and compared with the like returns from the several towns and districts in such county: and the person having the majority of the said votes, and accepting of the said office, after being sworn to the faithful discharge of the trust before the said Court, or any two Justices thereof, *quorum unus*, and giving bond for the faithful discharge of the trust, with sufficient sureties, in such penal sum as the Court shall direct, to the Clerk of the peace for the same county, for the time being, and his successor in that office, shall continue in the said office for the term of one year, and until some other person shall be chosen and qualified as aforesaid in his room.

And in case, upon comparing the votes returned as aforesaid, no one person shall have a majority of the whole number of votes returned, or the person chosen shall decline accepting the office, or after accepting shall die, or resign, or remove out of the county, within the year; then, and in such case, it shall be lawful for the Justices of the same Court to appoint by ballot a suitable person, being a freeholder in the same county, to that office; and the person thus appointed by the Justices of the General Sessions of the Peace, and accepting the office, and being sworn to the faithful discharge of the trust, and giving bond as before directed, shall be Treasurer of said county for the remainder of the year, and until some other person shall be chosen and qualified in manner as aforesaid.

And be it further enacted by the authority aforesaid, That all monies received by the County Treasurer, for the use of the county, shall be improved and employed by him for the defraying county charges, as the Court of General Sessions of the Peace shall from time to time, by their order in writing, direct and appoint, except that the travel and attendance of the Grand Jury at the Supreme Judicial Court, and the travel of the Petit Jurors, with

When no one person shall have a majority of the votes returned, Justices of the Court of Sessions may appoint a suitable person.

Monies received by the County Treasurer, how to be improved.

the fees for venires, and the legal fees to the Clerk for examining and certifying the same, may be paid by order of the Supreme Judicial Court; and each County Treasurer shall account with the Court of General Sessions of the Peace, for the same county of which he is Treasurer, for all his receipts and payments; which Court shall make him such allowance for his executing the duties of his office, as to them shall seem reasonable.

Empowered to enforce the payment of taxes; and shall lay an account annually before the General Court.

And be it further enacted, That each County Treasurer respectively be, and hereby is, authorized and empowered to draw in and enforce the payment of all county rates and taxes, assessed agreeable to the directions of law, by the same rules and methods prescribed for the Treasurer and Receiver General of the Commonwealth to gather in the rates and taxes assessed for the use of the Commonwealth, and shall annually lay before the General Court an account of all monies, that shall have been raised in the county to which he belongs, by assessments on the several towns and places therein, or by any other way or manner by him received as County Treasurer, and how the same have been disposed of; and no further assessment shall be made on the several towns and places in the county to which he belongs, until the said account has been offered to the General Court and allowed by them.

This act to take place in December next.

And be it further enacted by the authority aforesaid, That this act shall be in force from and after the first day of *December* next, and not sooner. *March 23, 1786.*

1785. — Chapter 77.

[February Session, ch. 36.]

Chap. 77 AN ACT INCORPORATING A SOCIETY, BY THE NAME OF THE MASSACHUSETTS CONGREGATIONAL CHARITABLE SOCIETY.

Preamble.

Whereas a number of Congregational Ministers, within this Commonwealth, have petitioned, and it appears to the General Court expedient, that a number of persons be incorporated into a society, for the humane and benevolent purposes of affording relief and support to the widows and children of deceased Ministers, and other persons herein mentioned:

Be it therefore enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, That Thomas Barnard, Clerk, Stephen Choate, Esq; Caleb Davis, Esq; Benjamin

Goodhue, Esq ; Nathaniel Gorham, Esq ; John Hancock, Esq ; Jason Haven, Clerk, Timothy Hilliard, Clerk, Simeon Howard, Doctor of Divinity, Joseph Jackson, Clerk, John Lathrop, Doctor of Divinity, Phillips Payson, Clerk, William Phillips, Esq ; Samuel Phillips, jun. Esq ; Daniel Shute, Clerk, Caleb Strong, Esq ; James Sullivan, Esq ; Peter Thacher, Clerk, Oliver Wendell, Esq ; and Joseph Willard, Doctor of Divinity ; he, and they are, hereby incorporated into a society, by the name, stile and title, of *The Massachusetts Congregational Charitable Society* ; and that they, and such others as shall be duly elected into the said corporation, shall be and remain a body politic and corporate, by the same name, stile and title, forever.

Society incor-
porated.

And be it further enacted by the authority aforesaid, That the said society and corporation, shall be capable of receiving, and shall have power to receive, from any person or persons disposed to aid the benevolent purposes of this institution, any grants or devises of lands or tenements, in fee simple, or for a lesser estate, and all donations and bequests of money, or any other personal thing ; and to use and improve the same for the purposes, and according to the directions herein mentioned and provided.

Empowered to
receive and im-
prove grants &
devises of lands,
&c.

And be it further enacted by the authority aforesaid, That all grants, donations, devises and bequests, made to the said society, of any real or personal estate, shall be by the said society, used and improved to the best advantage ; and the annual income thereof, shall be by them applied to the support of such widows and children of deceased Congregational ministers, who have been, or shall be settled within this Commonwealth, and of the widows and children of the President and Professors of the University in *Cambridge*, as in the opinion of the said corporation, shall be proper objects of the said charity.

How improved
and applied.

Provided nevertheless, That the said society, if at any time they shall judge it will best answer the good purposes of their institution, may increase their capital, by placing a part of the said income at interest, or by purchasing real estate therewith ; and they shall have power also to take a part of the principal of their personal estate, and bestow it on the widows and children before-mentioned, if it is consistent with the directions of the donor.

Proviso.

Empowered to
elect members.

And be it further enacted by the authority aforesaid, That the said society and corporation shall, at their annual meeting in *May*, have power to elect by ballot, any other person or persons, as members of the said society :

Proviso.

Provided always, That the said society shall not at any time consist of more than thirty members : *Provided also,* That the same proportion be observed, in the said elections between the clergy and laity, which is observed in this act.

May change
real property
into personal
estate.

And be it further enacted, That when it shall appear to the said society, that the changing any real property into personal estate, will best answer the intentions of this institution, the said corporation shall have full power, unless it is expressly ordered otherwise by the donor, to sell and convey the same ; provided that the monies for which the said real estate shall be sold, shall always be applied to the same use, to which the income of the estate sold, was before applicable.

Proviso.

To have one
common seal.

And be it further enacted, That the said society may have one common seal, which they may change and renew at pleasure ; and that all deeds, conveyances and grants, covenants and agreements made by their Treasurer, or any other person, by their authority and direction, according to their institution, shall be good and valid ; and the same corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer by the name, stile and title aforesaid.

Meeting to be
held annually,
for the choice of
officers, &c.

Be it further enacted, That the said society shall hereafter meet at *Boston*, or such other place as they may think proper within the State, some time in the month of *May* annually, and as much oftener as they may judge expedient ; and any seven members of the said corporation, the President, Vice-President, Treasurer or Secretary, being one, shall be a *quorum* ; and the said society, at their meetings in *May*, annually, shall have power to elect and choose a President, Vice-President, Treasurer, Secretary, and all other such officers as to them shall appear necessary : which officers so chosen shall continue in office one year : and all officers so chosen shall be under oath to the faithful performance of the duties of their offices respectively.

Vested with the
power of mak-
ing by-laws.

And be it further enacted, That the said society hereby are, and forever shall be vested with the power of making

by-laws for the more orderly managing the business of the corporation ; provided such laws are not repugnant to the laws of the Commonwealth, or the principles of the constitution of the same ; nor shall any penalty by them provided exceed the sum of *twenty shillings*.

Proviso.

And it is nevertheless provided, That the rents of the real estate, together with the interest of the personal estate of the said society, shall never exceed the annual income of *Three thousand pounds*.

Rents, &c., not to exceed £. 3000 per annum.

And it is further enacted, That *Simeon Howard*, Doctor of Divinity, be, and he hereby is, authorized by public notification in two of the *Boston* newspapers, to call the first meeting of the said society at such time and place as he shall judge proper ; at which meeting, the said corporation shall have all the power hereby vested in them at their annual stated meetings in *May* ; but the officers by them chosen shall not continue in office longer than the next *May* meeting, unless they shall be elected anew.

Dr. Howard authorized to call the first meeting.

March 24, 1786.

RESOLVES
OF THE
GENERAL COURT
OF THE
COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*,
ON WEDNESDAY THE TWENTY-FIFTH DAY OF
MAY, ANNO DOMINI, 1785.

BOSTON:
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M,DCC,LXXXV.

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RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS.

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY THE TWENTY-FIFTH DAY OF MAY, ANNO DOMINI, 1785.

1785. — MAY SESSION.

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<i>mon,</i>	<i>Little Falls.</i>
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Tisbury, Mr. Benjamin Allen.

County of NANTUCKET.

Sherburne, Timothy Folger, Esq ;

County of WORCESTER.

<i>Worcester</i> , Samuel Curtis, Esq ;	<i>Northbridge</i> , Major David Batcheller,
<i>Lancaster</i> , Hon. John Sprague, Esq ;	<i>Harvard</i> , Mr. Oliver Whitney,
<i>Woodstock</i> .	<i>Bolton</i> .
<i>Mendon</i> , Capt. Peter Penniman,	<i>Sturbridge</i> , Ebenezer Crafts, Esq ;
<i>Brookfield</i> , Capt. Phineas Upham,	<i>Hardwick</i> .
<i>Oxford</i> , Capt. Jeremiah Learned,	<i>Western</i> .
<i>Charlton</i> , Mr. Ebenezer Davis,	<i>Leominster</i> , Hon. Israel Nichols,
<i>Sutton</i> , Capt. March Chase,	Esq ;
<i>Leicester</i> , Hon. Seth Washburn,	<i>Holden</i> .
Esq ;	<i>Douglass</i> , Mr. Josiah Reed,
<i>Spencer</i> , Mr. Isaac Jenckes,	<i>Grafton</i> , Capt. Nathaniel Sherman,
<i>Rutland</i> , John Fessenden, Esq ;	<i>Petersham</i> , Jonathan Grout, Esq ;
<i>Oakham</i> .	<i>Royalston</i> , John Frye, Esq ;
<i>Hubbardston</i> .	<i>Westminster</i> , Mr. Abner Holden,
<i>New Braintree</i> .	<i>Athol</i> , Hiram Newhall, Esq ;
<i>Southborough</i> , Mr. George Brigham,	<i>Templeton</i> .
<i>Westborough</i> , Capt. Stephen Maynard,	<i>Princeton</i> , Hon. Moses Gill, Esq ;
<i>Northborough</i> , Mr. John Ball,	<i>Ashburnham</i> ,
<i>Shrewsbury</i> , Hon. Artemas Ward,	<i>Winchendon</i> , Abel Wilder, Esq ;
Esq ;	<i>Upton</i> , Col. Ezra Wood,
<i>Lunenburg</i> , Capt. Josiah Stearns,	<i>Dudley</i> , Mr. Jonathan Day,
<i>Fitchburg</i> .	<i>Paxton</i> ,
<i>Uxbridge</i> , Seth Reed, Esq ;	<i>Barre</i> , Capt. Benjamin Lee,
	<i>Ward</i> , Capt. John Prentice,
	<i>Milford</i> , Capt. Ichabod Thayer,
	<i>Sterling</i> , Capt. Ephraim Wilder.

County of CUMBERLAND.

<i>Falmouth</i> , Joseph Noyes, Esq ;	<i>New Gloucester</i> , Isaac Parsons,
<i>North Yarmouth</i> , Mr. Samuel Merrill,	Esq ;
<i>Scarborough</i> , Joshua Faben, Esq ;	<i>Gray</i> .
<i>Gorham</i> , Josiah Thatcher, Esq ;	<i>Pearson Town</i> ,
<i>Cape Elizabeth</i> ,	<i>Royalsborough</i> ,
<i>Brunswick</i> ,	<i>Raymond's Town</i> ,
<i>Harpswell</i> , Mr. Benjamin Duning,	<i>Baker's Town</i> ,
<i>Windham</i> ,	<i>Sylvester</i> .
	<i>Bridgtown</i> .

County of LINCOLN.

<i>Pownalborough</i> , Mr. David Sylvester,	<i>Woolwich</i> .
<i>George Town</i> , John Stimpson,	<i>Topsham</i> , Samuel Thompson,
Esq ;	Esq ;
<i>Newcastle</i> , John Farley, Esq ;	<i>Bowdoinham</i> .
	<i>Boothbay</i> , William McCobb, Esq ;

REPRESENTATIVES — *Concluded.**County of LINCOLN — Concluded.*

<i>Bristol</i> , William Jones, Esq ;	<i>Pittstown</i> ,
<i>Vassalborough</i> .	<i>St. Georges</i> ,
<i>Winthrop</i> , Mr. Robert Page,	<i>Meduncook</i> ,
<i>Winslow</i> .	<i>Walpole</i> ,
<i>Waldoborough</i> , Capt. Jacob Ludwig,	<i>Howardstown</i> ,
<i>Edgcomb</i> , Capt. Ebenezer Gove,	<i>Norwich Walk</i> ,
<i>Hallowell</i> .	<i>Sterlington</i> ,
<i>Belfast</i> .	<i>Lewistown</i> ,
<i>Warren</i> , Col. Thomas Starret,	<i>Ballstown</i> ,
<i>Thomastown</i> , Mr. Samuel Brown,	<i>Wales</i> ,
<i>Bath</i> ,	<i>Machias</i> , James Avery, Esq ;

County of BERKSHIRE.

<i>Sheffield</i> , and <i>Mt. Washington</i> ,	<i>Tyringham</i> , Giles Jackson, Esq ;
John Ashley, jun. Esq ;	<i>Sandisfield</i> , Mr. James Ayrault,
<i>Great Barrington</i> , Elijah Dwight,	<i>Becket</i> , Nathaniel Kingsley, Esq ;
Esq ;	<i>Gageborough</i> .
<i>Partridgefield</i> , Mr. Ebenezer Peirce,	<i>Hancock</i> , Samuel Hand, Esq ;
<i>New Marlborough</i> , Capt. Daniel Taylor,	<i>Richmond</i> , Nathaniel Bishop, Esq ;
<i>Williamstown</i> , Thomson J. Skinner,	<i>Loudon</i> .
<i>Lanesboro'</i> , Hon. James Barker,	<i>Washington</i> , Mr. John Nichols,
Esq ;	<i>West Stockbridge</i> , Col. Elijah Williams,
Mr. Sam'l Starkweather,	<i>Alford</i> , Capt. William Brimson,
<i>Pittsfield</i> , Charles Goodrich, Esq ;	<i>Adams</i> , Capt. Israel Jones,
<i>Lenox</i> , John Patterson, Esq ;	<i>Ashawelet Equivalent</i> ,
<i>Stockbridge</i> , Dr. Erastus Sar- geant,	<i>New Ashford</i> ,
<i>Egremont</i> , Capt. Oliver Pier,	<i>Lee</i> , Ebenezer Jenkins, Esq ;
	<i>Windsor</i> , Capt. Leicester Gros- venor.

Chapter 1.

Chap. 1 RESOLVE ON THE PETITION OF GIDEON CLARKE, JUN. AND OTHERS, OF WEST HAMPTON, EMPOWERING THE SELECTMEN TO CALL A MEETING FOR THE PURPOSE MENTIONED.

On the petition of Gideon Clarke, jun. and others, inhabitants of the town of West Hampton :

Resolved, That the Selectmen of *West Hampton*, for the year 1784, shall be, and they are hereby empowered to call a meeting for the purpose of choosing town officers for the present year ; and the officers so chosen shall have the same authority they would have had, in case they had been chosen in the month of *March* last, — any law to the contrary notwithstanding.

May 31, 1785.

Chapter 2.

RESOLVE ON THE PETITION OF *OLIVER WITT*, AUTHORIZING *LEVI LINCOLN*, ESQ; TO RECEIVE A BOND, WITH SURETIES, FOR SUCH SUMS AS MAY APPEAR DUE ON THE EXECUTION MENTIONED. Chap. 2

On the petition of Oliver Witt, praying a releasement from his present confinement in the Worcester goal, on an execution in favour of this Commonwealth:

Resolved, That the prayer of the petition be granted, and *Levi Lincoln*, Esq; is hereby authorized and empowered to receive of the aforesaid *Oliver Witt*, a bond, with two good and sufficient sureties, in behalf of this Commonwealth, payable in one year from the date thereof, with interest for the same, for such sum as may appear to be due on said execution, and is directed to lodge the said bond in the Secretary's office, in full discharge of said execution, provided the said *Oliver* shall pay all the costs that have arisen or may arise, in consequence of the aforesaid suit.

May 31, 1785.

Chapter 3.

RESOLVE DIRECTING THE COMMISSARY GENERAL TO SUPPLY THE HON. *SAMUEL PHILLIPS* AND OTHERS, A COMMITTEE ON UNAPPROPRIATED LANDS, WITH CERTAIN ARTICLES. Chap. 3

Resolved, That the Commissary General of this Commonwealth, be, and he hereby is directed to deliver to *Samuel Phillips*, jun. *Nathaniel Wells* and *Nathan Dane*, Esq'srs. a committee on the subject of unappropriated lands in the county of *Lincoln*, appointed by a resolve of Court of the 28th of *October*, 1783, or to their order, the following articles, *viz.* seven barrels of pork, four barrels of beef, eighteen pounds of candles, four axes, four hatchets, nineteen canteens and twenty pounds of soap, for the use of the surveyors and chainmen to be employed in that county the present year, the said committee to be accountable for the same.

June 2, 1785.

Chapter 4.

RESOLVE ON THE PETITION OF *SILAS PAUL*, AND OTHER *GAY HEAD INDIANS*, APPOINTING GUARDIANS OVER THEM. Chap. 4

On the petition of Silas Paul and other Indians, inhabitants and proprietors of lands at Gay Head, or Martha's-

Vineyard, praying that guardians may be appointed over them:

Resolved, That James Athearn, Esq; Mr. Simon Mayhew, jun. and the Rev. Zachariah Howwoswe, be, and they hereby are authorized and appointed guardians to the said Indians at Gay Head, and that they govern themselves agreeable to the law in that case made and provided.

June 3, 1785.

Chapter 5.

Chap. 5

RESOLVE ON THE PETITION OF J. WITHERELL, DIRECTING THE TREASURER TO DISCHARGE HIM THE SUM MENTIONED, AND TO ADD TO THE NEXT TAX, FOR THE TOWN OF LEBANON, THE SAID SEVERAL SUMS.

Whereas the General Court of this Commonwealth, by a Resolve of the 21st of February, A.D. 1784, authorized and empowered the Court of General Sessions of the Peace, within and for the county of York, upon application to them made by any of the inhabitants of a place (then called) Shapleighton, in said county, at or before their session in October, then next, to abate to him or them so applying, the whole, or such proportion of his or their taxes assessed on them respectively by the town of Lebanon, as adjacent, that was committed to James Witherell and Joshua Pray, to collect, as said sessions might judge equitable.

And whereas it appears to this Court, that said Court of General Sessions of the Peace, at their said session, did abate to said inhabitants, the sum of Thirteen pounds eleven shillings and five pence, on the assessments committed to said Witherell as aforesaid, and also the sum of Ninety-three pounds six shillings, on the assessments committed to said Pray as aforesaid.

And whereas there was no provision made in said Resolve, to empower the Treasurer of this Commonwealth to credit or discharge said Collectors the amount of said abatements: Therefore

Resolved, That the Treasurer of this Commonwealth be, and hereby is directed, to credit or discharge said Witherell, the aforesaid sum of Thirteen pounds eleven shillings and five pence, and said Pray the aforesaid sum of Ninety-three pounds six shillings, agreeable to said abatements, in part of the taxes they were to collect as aforesaid, and pay said Treasurer.

And it is further Resolved, That said Treasurer be, and he hereby is directed to add to the next tax for the town of *Lebanon*, in addition to said town's ordinary proportion of what may be assessed upon the people of this Commonwealth, by the General Court, the several sums aforesaid, amounting in the whole to the sum of One hundred and six pounds, seventeen shillings and five pence, agreeable to the first mentioned Resolve.

June 4, 1785.

Chapter 6.

RESOLVE ON THE PETITION OF JOHN JENKS.

Chap. 6

On the petition of John Jenks, of Smithfield, in the State of Rhode Island, praying a judgment obtained against him at a Court of Common Pleas, held at Pittsfield, in and for the county of Berkshire, for Five hundred pounds, in an action of trespass on the case brought against him by Samuel Miller, of Adams, in the county of Berkshire, and Caleb Hill, of Swanzy, in the county of Bristol, may be set aside, and a new trial ordered thereon, for reasons set forth in his said petition:

Resolved, That the above described judgment be, and hereby is reversed and declared to be null and void; and that a new trial shall be had on the above described case, at the next Court of Common Pleas, to be held at *Great Barrington*, in and for the county of *Berkshire*, on the second Tuesday of *September* next; and that the Justices of the same Court are hereby empowered and directed, to hear and determine the same, in all respects, as they should, or ought to do if the same case were regularly depending by continuance in the said Court, and that all execution on the aforementioned judgment be stayed, and that the said *John Jenks*, serve the said *Samuel Miller* and *Caleb Hill*, or their attornies, with an attested copy of this resolve, fourteen days before the sitting of said Court at *Great Barrington*.

June 4, 1785.

Chapter 7.

RESOLVE ON THE PETITION OF CALVIN PARTRIDGE, OF DUXBURY, EMPOWERING THE ASSESSORS TO ISSUE A WARRANT FOR THE BILLS MENTIONED, AND TO COLLECT THE TOWN RATES COMMITTED TO HIM.

Chap. 7

On the petition of Calvin Partridge, of Duxbury, in behalf of said town, praying that the present Assessors of

the town of Duxbury, may issue a warrant to Abner Dingley, on his town rate bills, committed to him as Collector for the year one thousand seven hundred and eighty-two, to enable him to compleat his collections:

Resolved, That the prayer of the petition be granted, and that the present Assessors of the town of *Duxbury*, be empowered and directed to issue a warrant on the bills that were committed to the said *Abner Dingley*, for the year one thousand seven hundred and eighty-two, as Collector, empowering him to collect the town rates committed to him, and to compleat his collections. *June 4, 1785.*

Chapter 8.

RESOLVE PENSIONING EDMUND LOCKE.

Chap. 8

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Edmund Locke, a private in the fourth Massachusetts regiment, in Capt. William Moor's company, who received a wound in his leg by the fall of a tree, while in the service of the United States of America, and continued in the same service, until the 9th day of June, 1783:

Resolved, That the said *Edmund Locke*, be intituled to one-quarter pay from the 9th day of *June* aforesaid, which was the time of his discharge, until the further order of the General Court, or the Congress of the United States.

June 4, 1785.

Chapter 9.

Chap. 9

RESOLVE ON THE PETITION OF JOHN CHANDLER WILLIAMS, EMPOWERING THE JUDGE OF PROBATE OF WORCESTER COUNTY, TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIM MENTIONED.

On the petition of John Chandler Williams, praying that the Judge of Probate for the county of Worcester, may be empowered to appoint Commissioners to examine his claim against John Chandler, late of Worcester, absentee, for reasons mentioned in said petition:

Resolved, That the prayer of the said petition be so far granted, that the Judge of Probate for the county of *Worcester*, be, and he hereby is authorized and empowered to appoint Commissioners to examine the claim of *John Chandler Williams*, against *John Chandler*, late of

Worcester, absentee; and in case the said claim shall be allowed by the said Commissioners and approved of by the said Judge of Probate, the same shall be paid out of that part of the said *Chandler's* estate, that was set off for his wife's dower, after the expiration of two years from the eleventh day of *February* 1785, that being the term that the children of the said *John Chandler*, are entitled to the income and improvement of the said estate, by an order of the General Court of the 11th of *February* last.

June 4, 1785.

Chapter 10.

RESOLVE ON THE PETITION OF NATHANIEL KINGSLEY, ESQ; *Chap. 10*
IN BEHALF OF THE TOWN OF BECKET, DISCHARGING THEM
FROM A SUM OF MONEY.

On the petition of Nathaniel Kingsley, Esq; in behalf of the town of Becket, praying that the said town may be abated the sum of Thirty-six pounds seventeen shillings and six pence, laid on the Plantation of No. 4, now Becket, in the year 1764:

And whereas it appears to this Court that on the eleventh day of June, 1765, an order passed the General Court then sitting, to remit the abovementioned sum to the said Plantation; but the Treasurer not being directed to discharge the said Plantation No. 4, of the above said sum, the order was not carried into execution:

Therefore resolved, That the Treasurer of this Commonwealth, be, and he hereby is directed to discharge the town of Becket, of the sum of Thirty-six pounds seventeen shillings and six pence, with which they stand charged on the books of the late Treasurer Harrison Gray, Esq;

June 7, 1785.

Chapter 11.

RESOLVE ON THE PETITION OF EPHRAIM SPOONER AND *Chap. 11*
JOSHUA THOMAS, IN BEHALF OF THE TOWN OF PLYMOUTH,
DIRECTING THE TREASURER TO ISSUE HIS ORDERS IN THIS
CASE, AND APPOINTING CAPT. EBENEZER WASHBURN IN
CONJUNCTION, TO SEE THE BUSINESS CARRIED INTO EXE-
CUTION.

On the petition of Ephraim Spooner and Joshua Thomas, in behalf of the town of Plymouth:

Whereas the town of Plymouth have been so impoverished by the late war, as to render them unable to repair

the injury done to their beach, by excessive high tides, as set forth in the petition, and as it appears that unless the breaches made in the said beach are soon repaired, the town will entirely loose its navigation, and such ships as may be in this bay, will be greatly exposed in severe storms for want of shelter in that harbour: Therefore

Resolved, That the sum of Five hundred pounds shall be allowed to the town of *Plymouth*, out of their next tax to this Commonwealth, on condition that the said town of *Plymouth*, engage to advance at their own expence, a like sum, to be equally employed for the purposes aforesaid and agreeable to the following resolve.

Resolved, That Captain *Ebenezer Washburn*, be appointed by this General Court, to join such person as may be appointed by the said town of *Plymouth*, to see this business fairly and fully carried into execution, and to keep true and just accounts of the expenditure of the monies aforesaid, and to be answerable to the Treasurer for this State's proportion of the surplus, if any there be, after compleating the said work, and upon the said committee's giving sufficient bonds for the executing this business, the Treasurer of this Commonwealth is hereby authorized, to credit the town of *Plymouth*, the sum of Five hundred pounds, in their next tax to this Commonwealth, aforesaid.

June 10, 1785.

Chapter 12.

Chap. 12 RESOLVE ON THE PETITION OF *TIMOTHY WALKER, JUN.* IN BEHALF OF HIMSELF AND ASSOCIATES, ALLOWING A FURTHER TIME FOR PERFORMING THE CONDITIONS OF A GRANT OF A TRACT OF LAND OF *FEBRUARY 3, 1774.*

On the petition of Timothy Walker, jun. in behalf of himself and associates, praying that further time may be allowed them for performing the conditions of a grant made by the General Court of the late Province of Massachusetts Bay, February 3, 1774, of a tract of land seven miles square, on both sides of Androscoggan River, and easterly of, and adjoining to Sudbury Canada.

Resolved, That there be further allowed to the proprietors of the aforesaid tract of land, two years from this time, to perform and fulfill the conditions of settlement originally annexed to the said grant. *June 9, 1785.*

Chapter 13.

RESOLVE ON THE MEMORIAL OF SAMUEL ENDICOTT, OF DANVERS, TO NOTIFY TIMOTHY PATCH, TO SHEW CAUSE, &c. AND EXECUTION BE STAYED IN THE MEAN TIME. Chap. 13

On petition of Samuel Endicott :

Read, and thereupon Resolved, That the memorialist notify the said *Timothy Patch*, by serving him with an attested copy of this memorial and resolve thereon, at least fourteen days before the second Wednesday of the next sitting of the General Court, to shew cause (if any he hath) on the said day, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time.

June 9, 1785.

Chapter 14.

RESOLVE ON THE PETITION OF THE TOWN OF EASTHAM, IN BARNSTABLE COUNTY, DIRECTING THE TREASURER TO STAY HIS EXECUTION AGAINST SAID TOWN, UNTIL THE NEXT SESSION. Chap. 14

On the memorial and petition of the town of Eastham, in the county of Barnstable, praying for further abatements of their taxes, for reasons therein set forth :

Resolved, That the prayer thereof, be so far granted, that the Treasurer of this Commonwealth be, and is hereby directed to stay his execution against the said town of *Eastham*, till the next session of the General Court.

June 9, 1785.

Chapter 15.

RESOLVE PENSIONING PAUL BROWN.

Chap. 15

On the representation of John Lucas, Commissary of Pensioners, in behalf of Paul Brown, late a soldier in Col. Alden's regiment, and Capt. Maynard's company, whose arm was broke whilst in the service of the United States, and by which misfortune, he has in a great measure lost the use of it :

Resolved, That the said *Paul Brown*, be entitled to one quarter part of pay as a soldier, from *June* the 20th, 1783, until the further orders of the General Court, or of Congress.

June 10, 1785.

Chapter 16.

Chap. 16 RESOLVE REQUESTING WILLIAM IMLAY, ESQ; COMMISSIONER TO GIVE HIS ATTENDANCE AT BOSTON, FOR PURPOSES MENTIONED.

Whereas by a Resolve of Congress of June 3, 1784, it is made the duty of the Commissioner of the United States, appointed for examining and allowing the accounts of this State, against the said United States, to attend in such counties or districts, as he shall by the Legislature, be requested to give his attendance in; — and as it appears to this Court, that the immediate attendance of the said Commissioner at Boston, is highly necessary for “the saving of expence, and expediting the settlements of accounts” with this State, and closing the same in a reasonable time: Therefore

Resolved, That William Imlay, Esq; the Commissioner for this State, be, and he is hereby requested to give his immediate attendance at Boston, for the purposes aforesaid, and that the Secretary be directed without delay, to transmit to the said Imlay, a copy of this Resolve.

June 10, 1785.

Chapter 17.

Chap. 17 RESOLVE ON THE PETITION OF ELIJAH SMITH OF CHILMARK, DIRECTING THE TREASURER TO CREDIT SAID TOWN, THREE HUNDRED AND NINETY POUNDS IN OLD CONTINENTAL CURRENCY.

On the petition of Elijah Smith of Chilmark, in Dukes County, setting forth that he was chosen Collector of Taxes for said town, for the year 1777, and had lists of the State Tax committed to him (for the same year) amounting to Nine hundred and ninety pounds, eleven shillings and Three pence, and that he had collected thereon, about Three hundred and ninety pounds, which was taken from him (together with his lists and warrants) by a British officer, who carried them off:

Resolved, That the Treasurer be, and he hereby is ordered and directed to credit the said Elijah Smith, the sum of Three hundred and ninety pounds of the old Continental money, on account of said tax, and to suspend issuing his execution for the residue thereof, until the next sitting of the General Court.

June 10, 1785.

Chapter 18.

RESOLVE ON THE PETITION OF JOHN FESSENDEN, ONE OF THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES, IN WORCESTER COUNTY, GRANTING WILLIAM WHITTAKER, NINE POUNDS SEVEN SHILLINGS AND FIVE PENCE ONE FARTHING. Chap. 18

On the petition of John Fessenden, one of the committee for the sale of absentees estates, in the county of Worcester, in behalf of William Whittaker, setting forth that said committee did receive of said Whittaker, in discharge of a mortgage deed, by him given to John Murray, Esq; an absentee, compound interest, and praying that the same may be repaid to the said William Whittaker, for reasons set forth in said petition:

Resolved, That the prayer of the said petition be granted, and that there be allowed and paid out of the treasury of this Commonwealth, to the said William Whittaker, the sum of *Nine pounds seven shillings and five pence one farthing*, in full of the amount of the compound interest of *One hundred pounds*, for the term of eight years and eight months, he giving his receipt for the same.

June 10, 1785.

Chapter 19.

RESOLVE ON THE PETITION OF ISRAEL HUTCHINSON, ESQ; IN BEHALF OF THE TOWN OF DANVERS, AUTHORIZING TIMOTHY FULLER, TO RECEIVE THE TAXES, AND PAY THE SAME INTO THE TREASURY. Chap. 19

On the petition of Israel Hutchinson, in behalf of the town of Danvers:

Resolved, That *Timothy Fuller*, one of the Collectors of taxes for the town of *Danvers*, be, and hereby is fully authorized and empowered to demand and recover all such sums of money, contained in the list or lists of assessment committed to *Daniel Prince* to collect, which remain unpaid, and he the said *Timothy* being first sworn faithfully to discharge the said trust, is hereby fully empowered to serve and execute the same warrant or warrants, for collecting the said taxes that have been directed to the said *Daniel* for that purpose, as effectually as he the said *Timothy* might have done in case the same had been originally to him directed, so far as relates to the collecting the said taxes; and he the said *Timothy* shall pay the

money as directed in said warrant, and the town of *Danvers* shall be held accountable for the same, in the same manner they were before the passing this resolve.

June 11, 1785.

Chapter 20.

Chap. 20 RESOLVE ON THE PETITION OF *EBENEZER WHITE*, APPOINTING A COMMITTEE TO REPAIR TO THE TOWN OF *ROCHESTER*, AND TO VIEW THE LANDS MENTIONED.

On the petition of Ebenezer White, praying that a committee from this Court, may go and view the town of Rochester, and report their opinion as to the circumstances of the same:

Resolved, That the prayer of the petition be granted, and that *Seth Washburn, William Davis, Esq's.* and *Mr. Thomas Clark*, be a committee to repair to said town, at the expence of the same, view the lands, &c. and report to this Court at their next session.

June 11, 1785.

Chapter 21.

Chap. 21 RESOLVE ON THE PETITION OF *ABIEL WOOD*, CAUSING *ABRAHAM STEVENS* TO BE NOTIFIED.

On the petition of Abiel Wood, praying for a re-hearing or trial, in an action brought against him by Abraham Stevens, also for staying execution in said cause, for reasons set forth in said petition:

Resolved, That the petitioner cause the said *Stevens*, to be served with an attested copy of the said petition, with this resolve, fourteen days at least, before the second Wednesday of the next sitting of the General Court, to shew cause (if any he hath) why the prayer of said petition should not be granted, and that the said execution be stayed in the mean time.

June 11, 1785.

Chapter 22.

Chap. 22 RESOLVE DIRECTING THE COMMITTEE FOR THE SALE OF ABSENTEES ESTATES, IN THE COUNTY OF *BRISTOL*, TO SETTLE WITH *GEORGE WILLIAMS*.

Whereas Col. George Williams hath brought his action against Seth Williams, which is now pending in the Court

of Common Pleas, in the county of Bristol, and claims a right to nine acres of land, situate in Taunton, in said county, which was sold to the said Seth Williams, by the Committee for the sale of Absentees Estates in the said county, as part of the estate of John Borland, an absentee; and it appearing that the title of the said John Borland, to the said land, is liable to great dispute, and as more expence may be incurred thereby, than the value of the land: Therefore,

Resolved, That the said Committee for the sale of Absentees Estates, in the said county of *Bristol*, be, and they hereby are empowered to settle the same dispute with the said *George Williams*, by paying for the land, or in any other manner which they shall judge most for the advantage of this Commonwealth.

June 14, 1785.

Chapter 23.

RESOLVE GRANTING TWO THOUSAND POUNDS IN NOTES TO MRS. FRANCES SHIRLEY WESTERN, EXECUTRIX TO THE WILL OF WILLIAM BOLLAN, ESQ; DECEASED, FOR HIS SERVICES, AS AGENT TO THE COUNCIL OF THE LATE PROVINCE, NOW COMMONWEALTH OF MASSACHUSETTS.

Chap. 23

On the memorial of Mrs. Frances Shirley Western, sole heir of the late Hon. William Bollan, Esq; deceased, agent of the Council of the late Province of Massachusetts Bay, and sole executrix of his late will and testament:

Whereas it appears to this Court, that the sum of Two thousand pounds lawful money, is due to the estate of the said William Bollan, Esq; as Agent of the Council of the late Province of the Massachusetts Bay:

Resolved, That there be allowed, and paid out of the public treasury, to *Frances Shirley Western*, executrix as aforesaid, or to her order, the sum of Two thousand pounds, in the manner following, that is to say, one fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and eighty-eight, one fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and eighty-nine, one fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and ninety; and the other fourth part thereof, on the twenty-second day of *February*, one thousand seven hundred and ninety-one, with interest for

the same, to be paid annually, from the date hereof; and that the said sum so paid, shall be in full for the services of the said *William Bollan*, Agent as aforesaid.

June 14, 1785.

Chapter 24.

Chap. 24 RESOLVE ON THE PETITION OF *JOHN GODDARD*, IN BEHALF OF THE TOWN OF *BROOKLINE*, ABATING A FINE LAID ON SAID TOWN, FOR NOT SENDING A REPRESENTATIVE FOR 1782.

On the petition of John Goddard, in behalf of the town of Brookline, praying for abatement of a fine laid on said town, for not sending a Representative to the General Court, for the year 1782; for reasons set forth in said petition:

Resolved, That the prayer of the petition be so far granted, that the sum of Seventeen pounds twelve shillings and six pence, which is one half of said fine set against said town of *Brookline*, in the Tax Act of *March*, 1783, be abated, and the Treasurer of this Commonwealth, is hereby directed to credit the town of *Brookline*, on the aforesaid tax, Seventeen pounds twelve shillings and six pence, any act or resolve to the contrary notwithstanding.

June 15, 1785.

Chapter 25.

Chap. 25 RESOLVE ON THE PETITION OF *THADDEUS* AND *WILLIAM MACCARTY*, EMPOWERING THE JUDGE OF PROBATE FOR *WORCESTER* COUNTY, TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIMS ON THE ESTATE OF *JOHN CHANDLER*.

On the petition of Thaddeus and William Maccarty:

Resolved, That the prayer of their petition be so far granted, as that the Judge of Probate for the county of *Worcester* be, and he hereby is authorized and empowered, to appoint Commissioners to examine the claim of the said *Thaddeus* and *William Maccarty*, against the estate of *John Chandler*, late of *Worcester*, absentee; and in case the said claim shall be allowed by the said Commissioners, and approved of by the said Judge, the same shall be paid out of that part of the said *Chandler's* estate, that was set off for his wife's dower, after the expiration of two years, from the eleventh day of *February*, 1785, that being the

term for which the children of the said *John Chandler*, are entitled to the income and improvement of the said estate, by an order of the General Court, of the eleventh of *February* last.

June 15, 1785.

Chapter 26.

RESOLVE GRANTING THE PETITION OF ANN COSHOMON.

Chap. 26

On the petition of Ann Coshomon, an Indian woman of the town of Chilmark, in Dukes County, praying for liberty to make sale of about ten acres of land, lying in the town of Dartmouth, for her support, she being old and needy:

Resolved, That the prayer of the petition be so far granted, that the Hon. *Walter Spooner*, Esq; be a committee to sell at public auction or private sale, the whole of said land, if it should not exceed fifteen acres, and to give a good deed or deeds of the same, and to deliver the net proceeds to the guardians of the *Indians* in the county of *Dukes County*, the said guardians to be accountable to this Court for the expenditure of the proceeds of said land.

June 15, 1785.

Chapter 27.

RESOLVE REQUESTING THE GOVERNOR TO MAKE COMMUNICATIONS TO THE DELEGATES IN CONGRESS; TO FURNISH THEM WITH ACTS AND RESOLVES, ALSO TO TRANSMIT TO THE EXECUTIVE AUTHORITY OF THE RESPECTIVE STATES, SUCH ACTS AND DOINGS, AS HIS EXCELLENCY MAY JUDGE PROPER, AND TO REQUEST THE LIKE OF THEM.

Chap. 27

Whereas regular information to the Delegates representing this Commonwealth in Congress, is of great importance, and in some instances absolutely necessary:

Resolved, That his Excellency the Governor, with the advice of Council, be, and he hereby is empowered and requested to make such communications to the said Delegates for the time being, as he may think necessary or expedient, and take measures, that they may be furnished with the Acts and Resolves of the General Court, for their information and government.

And whereas it may be equally expedient in many cases, that the Acts and Resolves of the Legislatures of the several States in the Union, should be made known to each other,

in order that a uniformity of measures may thereby be produced:

It is further Resolved, That his Excellency the Governor, be empowered and desired, to transmit to the Executive Authority of the respective United States, such acts and doings of this Commonwealth, as his Excellency may from time to time judge it necessary they should respectively be made acquainted with, and to request of them similar communications.

June 18, 1785.

Chapter 28.

Chap. 28 RESOLVE ON THE PETITION OF INCREASE STERNS, DIRECTING THE TREASURER TO ISSUE A NOTE, IN LIEU OF ONE FORGED.

On the petition of Increase Stearns, representing that a forged order signed in his name, in favor of William Hinds, for delivery of depreciation notes, to the amount of Fifty-two pounds, three shillings, specie value, due to him the said petitioner, for his service in the Continental Army, was presented to the Treasurer of this Commonwealth, accepted, and the notes accordingly given, by which means he has been hitherto deprived of his just due,—and it appearing to this Court, that the facts set forth in the said petition, are justly stated:

It is Resolved, That the Treasurer be, and he is hereby directed to issue a note or notes, in favor of the said Increase Stearns, in such sum or sums, as shall appear to have been due to him at the time of the presentment of the said forged order, bearing date at said time, and in such manner and form as is by law prescribed.

June 15, 1785.

Chapter 29.

Chap. 29 RESOLVE PENSIONING JOHN M'GOFF.

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of John McGoff, a wounded seaman:

Resolved, That the said John McGoff be, and hereby is allowed half the pay of a seaman, from the thirtieth day of March, one thousand seven hundred and seventy-nine, to the further order of the General Court, or of Congress.

June 15, 1785.

Chapter 30.

RESOLVE ON THE PETITION OF SAMUEL HUSTON, KEEPER OF THE LIGHT HOUSE ON THATCHER'S ISLAND, DIRECTING THE COMMISSARY GENERAL TO PROCURE A BOAT AND BUILD A SMALL BARN, AND GRANTING HIM ONE HUNDRED AND FIFTY POUNDS. *Chap. 30*

On the petition of Samuel Huston, keeper of the light houses on Thatcher's island :

Resolved, That the Commissary General be, and he hereby is, empowered and directed to procure or build a small boat and a small barn, for the use of said keeper, and make such repairs on the light houses at said island, as may be found necessary, and that there be paid out of the treasury of this Commonwealth, to the said Commissary General, the sum of One hundred and fifty pounds, for the purposes abovementioned, he to be accountable for the expenditure of the same. *June 15, 1785.*

Chapter 31.

RESOLVE ON THE PETITION OF POOL SPEAR, DIRECTING THE KEEPER OF THE GOAL IN BOSTON, TO DISCHARGE HIM THEREFROM. *Chap. 31*

On the petition of Pool Spear, a prisoner in the goal at Boston :

Resolved, That the prayer of the petition of *Pool Spear* be granted, and that the keeper of the goal at *Boston*, be, and he hereby is, empowered and directed forthwith to liberate and discharge the body of the said *Pool Spear* from his confinement by virtue of an execution in favor of *Richard Cranch*, Esq ; agent to the estate of *John Borland*, Esq ; an absentee, late deceased, — and the said *Richard Cranch*, Esq ; is hereby discharged from any demands of this Commonwealth, from the Judge of Probate for the county of *Suffolk*, which might arise to his damage, on account of the enlargement of the said *Pool Spear*. *June 16, 1785.*

Chapter 32.

RESOLVE ON THE PETITION OF JOHN SMITH, DIRECTING THE TREASURER TO ISSUE A NEW DUE BILL, IN LIEU OF ONE LOST. *Chap. 32*

On the petition of John Smith, praying that the Treasurer may be directed to issue a new due bill, for the balance due on a due bill, said to be lost :

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth be directed to issue a new due bill for the sum of *Sixty-three pounds fifteen shillings and three pence*, it being the balance due on said due bill, said to be lost, provided the said *John Smith* give sufficient security to the Treasurer of this Commonwealth, to repay the same, provided the due bill said to be lost shall ever be found and demanded.

June 17, 1785.

Chapter 34.*

Chap. 34

RESOLVE PENSIONING JONAS BLODGET.

On the representation of John Lucas, Commissary of Pensioners, in behalf of Jonas Blodget, a soldier in the fourth Massachusetts regiment:

Resolved, That the said *Jonas Blodget*, be entitled to half pay from the tenth day of *April, 1783*, until the further order of this General Court or Congress.

June 17, 1785.

Chapter 35.

Chap. 35

RESOLVE DIRECTING THE TREASURER TO RECEIVE OF THE HEIRS OF RICHARD DERBY, ESQ; DECEASED, ONE THOUSAND THREE HUNDRED AND EIGHTY-EIGHT POUNDS, IN GOVERNMENT SECURITIES.

Whereas by a resolve of the General Court, of October 4, 1782, in settling public accounts with Richard Derby, Esq; a balance was allowed to him of One thousand three hundred and eighty-eight pounds, which he received in government securities; and whereas it was afterwards found, that no such balance was due to the said Derby; and as no order has been passed for the Treasurer of the Commonwealth to receive said balance:

Therefore Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to receive the aforesaid securities, amounting to *One thousand three hundred and eighty-eight pounds* (or others to that amount, of as early date) from the heirs of *Richard Derby, Esq;* (since dead) his executors or administrators, he giving duplicate receipts for the same, one of which to be lodged in the Secretary's office.

And it is further Resolved, That if any interest has been

* No chapter numbered 33 in Session Pamphlet.

paid on the said securities, that the said heirs, executors or administrators, repay the same to the Treasurer, taking duplicate receipts as aforesaid.

June 18, 1785.

Chapter 36.

RESOLVE ON THE PETITION OF SYLVANUS SHAW AND SAMUEL THOMAS, DIRECTING THE TREASURER TO PAY THE SUMS MENTIONED IN THEIR ROLL, FOR SERVICES IN 1781. Chap. 36

On the petition of Sylvanus Shaw and Samuel Thomas, praying they may be paid for three months service in the army, in the year 1781, which wages have been drawn by fraudulent orders:

Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to pay to *Sylvanus Shaw* and *Samuel Thomas*, the sums they are respectively made up for, in the pay roll of the regiment to which they belonged, when in the three months service in the year 1781, their wages being paid on a fraudulent order notwithstanding.

June 18, 1785.

Chapter 37.

RESOLVE ON THE PETITION OF GEORGE STROUT, EMPOWERING THE TREASURER TO CREDIT HIM FOR TAXES IN 1778, FOR WHICH HE WAS CREDITED IN 1779, AND TO ADJUST HIS ACCOUNT. Chap. 37

On the petition of George Strout:

Resolved, That the Treasurer be, and he hereby is, empowered and directed to place to the credit of the said *George Strout*, in his account for taxes for the year 1778, the sum of *Five hundred and thirty-three pounds seven shillings*, being the sum for which he was credited in his account for taxes for the year 1779; and that the accounts of the said *George Strout*, for taxes for the years 1778 and 1779, be adjusted and settled, in the same manner as if the said credit had been given as herein directed, at the time of the payment of the sum aforesaid for taxes for the said year 1778, and not for the year 1779.

June 20, 1785.

Chapter 38.

RESOLVE ON THE PETITION OF JOHN VINTON, TO NOTIFY THE ADVERSE PARTY, TO SHEW CAUSE, &c. Chap. 38

On the petition of John Vinton, representing that through mistake he had lost his right of appeal to the Supreme Court of Probate, and praying relief:

Resolved, That the petitioner notify *William Bent* and *Samuel Blackman*, the adverse party, to appear on the second Wednesday of the next sitting of the General Court, by serving them with an attested copy of the said petition, and this order thereon, twenty days at least previous to the said day, to shew cause (if any they have) why the prayer thereof should not be granted, and that all further proceedings thereon subside until the said day.

June 20, 1785.

Chapter 39.

Chap. 39 RESOLVE GRANTING NINE POUNDS FOUR SHILLINGS AND TEN PENCE, TO *JOHN HEAD*, A CORONER FOR THE COUNTY OF *ESSEX*, FOR TAKING INQUISITIONS.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *John Head*, one of Coroners for the county of *Essex*, for taking inquisitions on the bodies of two persons (names unknown) the sum of *Nine pounds four shillings and ten pence*, as by the said Coroner's account appears to have been allowed by the Court of General Sessions of the Peace for the county of *Essex*.

June 20, 1785.

Chapter 40.

Chap. 40 RESOLVE FOR ELECTING GRAND JURORS IN THE COUNTY OF *BERKSHIRE*.

Whereas it so happened that Grand Jurors were not elected within the county of Berkshire, in the month of March last past, to serve at the Court of General Sessions of the Peace, as by law is provided, and as without the interposition of this Court, great inconveniences, and a failure of justice will result therefrom:

Resolved, That the Clerk of the said Court of General Sessions of the Peace be, and he hereby is, empowered and directed, a sufficient time before the second Tuesday of *September* next, when the said Court is by law to be holden, to issue writs commonly called writs of *venire*, thereby requiring that there be elected, in so many towns within the said county as shall be necessary for that purpose, a competent number of men qualified as by law is provided, to serve on the Grand Jury at the Court aforesaid, at the several terms thereof, antecedent to the month of *March* next, who shall be elected in the same manner

as was provided for the election of Grand Jurors, previous to passing the law entitled, "An act regulating the appointment and service of Grand Jurors."

And it is further Resolved, That if any town or person, shall neglect to perform the duty required by such writs of *venire*, the town or person so offending, shall be subjected to the same penalties as by law they would have been antecedent to making the law aforesaid, any law to the contrary hereof, notwithstanding. *June 20, 1785.*

Chapter 41.

REPORT ON THE PETITION OF SAMUEL FREEMAN, AGENT FOR THE PROPRIETORS OF FOUR TOWNSHIPS LYING EASTWARD OF UNION RIVER. Chap. 41

The Committee on the subject of unappropriated lands in the county of *Lincoln*, to whom was committed the petition of *Samuel Freeman*, Esq; agent for the Proprietors of four Townships lying eastward of *Union River*, which with two other Townships, *viz.*: No. 2 and 3, were conditionally granted on the twenty-seventh day of *January*, A.D. 1764, to sundry persons named in the grant, *viz.*: No. 1, to *Paul Thorndike* and others; No. 4, to *Edward Small* and others; No. 5, to *Josiah Sawyer* and others; and No. 6, to *Nathaniel Parker* and others;—take leave to report, that in their opinion, it will be expedient to confirm the grant of said Townships, No. 1, No. 4, No. 5, and No. 6, on the following conditions, *viz.*:

That the Proprietors of the same pay to Government for each of said Townships, the sum of *Twelve hundred and fifty pounds*, in the consolidated notes of this Commonwealth, within one year from this time, with interest.

That the Proprietors, within six years from this time, compleat in each Township, the settlement of sixty good Protestant families, and building sixty houses, none to be less than eighteen feet square, and seven feet stud, and clear and cultivate five acres of land on each share, fit for mowing or tillage.

That in each Township they build a suitable meeting house for the public worship of God, and settle a learned Protestant Minister, and make provision for his comfortable and honorable support, and that in each Township there be reserved and appropriated four whole rights, or sixty-fourth parts, for quantity and quality, in the division

of the same, for the following purposes, *viz*: One for the first settled Minister, his heirs and assigns forever; — one for the use of the ministry; — one to and for the future appropriation of Government, and one for the use of a grammar school forever.

That fifty acres be allowed and assigned to each settler, who settled therein before the twentieth day of *January*, 1783, his heirs or assigns, in consideration of his performing the duties of a settler, provided he has performed, or shall contract to perform, within six years, the duties of a settler as prescribed in this report; and the said fifty acres to be assigned the settler, his heirs or assigns, shall be laid out so as to include the whole of his improvements, or so much thereof as may be, without doing great damage to the Proprietors; — and where the lot shall be laid out, so as not to include the whole improvements of the settler, he shall have liberty to purchase the remainder of such lands, estimating the same in a state of nature, or to receive of the Proprietors a reasonable allowance for such extra improvements, at the settlers election.

And in case of any disagreement about the said price or allowance, or any other matter relating to a settlement, that the same be decided by disinterested men, one of whom shall be chosen by the Proprietors, one by the settler, and in case they cannot agree, the third by the two chosen as aforesaid.

That each settler shall have liberty, at any time within twelve months from this date, to purchase of the said Proprietors, fifty acres for quantity and quality of the unlotted lands in the township wherein he is settled, at a price not exceeding three shillings per acre.

Provided nevertheless, That where any agreement has been, or shall be made, between a Proprietor or Proprietors, and a settler or settlers, as to terms of settlement, such agreement shall not be violated.

SAMUEL PHILLIPS, jun. } Committee.
NATHANIEL WELLS. }

Boston, June 20, 1785.

Read and accepted, and thereupon Resolved, That the grant of four Townships aforesaid, be confirmed in manner following, *viz*.: No. 1, to *Paul Thorndike* and others; No. 4, to *Edward Small* and others; No. 5, to *Josiah Saw-*

yer and others; and No. 6, to *Nathaniel Parker* and others; their several and respective heirs and assigns, on the conditions in the said report.

June 21, 1785.

Chapter 42.

RESOLVE ON THE PETITION OF *JOSIAH COOPER*, AND OTHERS, OF *DUKES COUNTY*, INDIANS, EMPOWERING THEIR GUARDIANS TO SELL LAND MENTIONED. Chap. 42

On the petition of Josiah Cooper, an Indian man, and others, of the town of Chilmark, in Dukes County, praying for liberty to make sale of a tract of land lying in the town of Chilmark, containing about twenty acres:

Resolved, That the prayer of the petitioners be so far granted, that the Guardians of the *Indians* in *Dukes County*, be empowered to sell, at public auction or private sale, a tract of land, lying unimproved, adjoining to the land of *Matthew Tilton*, in said *Chilmark*, containing about twenty acres, and to give a good deed or deeds of the same, the net proceeds to be by them appropriated for the purpose of fencing and cultivating the other land of said petitioners; — and the said Guardians to be accountable to this Court, for the expenditure of the proceeds of said land.

June 22, 1785.

Chapter 43.

RESOLVE ON THE PETITION OF *JOHN BERNARD*, GRANTING ONE MOIETY OR HALF PART OF THE ISLAND OF *MOUNT DESERT*, TO HOLD THE SAME IN FEE SIMPLE. Chap. 43

Whereas John Bernard, of Bath, in the county of Lincoln, hath produced to this Court, ample testimony of the uniformity, consistency, and propriety of his political conduct, previous to, during, and since the late war: — And whereas the estate of his father, Sir Francis Bernard, deceased, has been confiscated to the use of this Government; part of which estate, so confiscated, to wit, the island of Mount Desert, was by the last will and testament of said deceased, made previous to said confiscation, devised to the said John, and the only property which said John by the will aforesaid, could hold, had not said estate been confiscated; and this Court viewing the conduct of said John as meritorious, and commiserating his peculiar situation, — and he having petitioned for a grant of the island afore

said, which this Court consider to be in degree reasonable:

Therefore Resolved, That one moiety, or half part of the island of *Mount Desert*, in quantity and quality, be and hereby is granted, and from the passing of this resolve, shall enure to the said *John Bernard*, his heirs and assigns forever, to hold in fee simple; provided always that the said *John* shall convey to each person, now in possession of lands, which may by a division of the aforesaid island be assigned to said *John*, such quantity thereof, and upon such terms as the committee appointed by a resolve of the General Court, passed *October 28, 1783*, shall direct, within eighteen months from the passing of this resolve. *June 23, 1785.*

Chapter 44.

Chap. 44 RESOLVE DIRECTING THE NAVAL OFFICER OF BOSTON, ONCE IN THREE MONTHS TO PAY THE TREASURER SEVEN TWELFTHS OF ALL THE FEES HE MAY HEREAFTER RECEIVE IN HIS OFFICE, AND WITH THE SEVERAL OTHER NAVAL OFFICERS, KEEP AND RENDER AN ACCURATE ACCOUNT OF SUCH FEES, AND DIRECTING THE TREASURER TO KEEP A SEPARATE ACCOUNT OF THE SAME.

Whereas it appears to this Court, that the fees of the Naval Office, as the same are established by law, are more than adequate to the support of the Naval Office of the Port of Boston: Therefore,

Resolved, That the Naval Officer of the Port of *Boston*, once in three months, pay to the Treasurer of this Commonwealth, seven-twelfths of all the fees which he may hereafter receive in his office; — any law or resolve to the contrary notwithstanding. The said Naval Officer taking duplicate receipts therefor, one of which to be lodged in the Secretary's office:

Resolved, That hereafter the several Naval Officers in this Commonwealth be, and they are hereby severally directed, to keep just and accurate accounts of all the fees which they may receive in their respective offices; — and once in three months render an account thereof, on oath, to the Treasurer aforesaid.

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to keep a separate account of the monies he shall receive from the Naval Officer of *Boston*, by virtue of the resolve herein first mentioned, —

and that they be appropriated to the payment of the cost and charges of the several light houses in this Commonwealth, in the same way and manner that monies arising from the duties of light money are appropriated.

June 23, 1785.

Chapter 45.

RESOLVE ON THE PETITION OF JOHN BUTTRICK AND DAVID BROWN, TO SERVE THE ADVERSE PARTY WITH A COPY, &c. TO SHEW CAUSE. *Chap. 45*

On the petition of John Buttrick and David Brown, setting forth that they, with Joseph Lee, and others, were obligated to Hugh Hall, Esq; late of Boston, deceased, in a bond of one hundred pounds, and that the aforesaid John and David, had given counter bonds, and were holden to pay the whole debt and damage, and that the bond aforesaid was carried off by Foster Hutchinson, executor to the last will of the said Hugh; also that an administrator was appointed on said estate, who called on your petitioners to discharge their debt, in the year seventeen hundred and seventy-seven, which they were ready at that time to have done; but the administrator would not receive the money when it was sent to him; and likewise, that action had been commenced against Mr. Lee only, and judgment obtained for a larger sum than was due on said bond, and praying for relief:

Resolved, That the petitioners aforesaid, serve the adverse party, with an attested copy of their petition, with this order of Court thereon, three weeks at least before the second Wednesday of the next sitting of the General Court, that they may appear on that day, and shew cause, (if any they have) why the prayer of their petition should not be granted, and that execution be stayed in the mean time.

June 23, 1785.

Chapter 46.

RESOLVE ON THE PETITION OF DANIEL WHITNEY, ABATING A FINE LAID ON THE TOWN OF SHERBURNE, FOR NOT SENDING A REPRESENTATIVE IN 1781. *Chap. 46*

On the petition of Daniel Whitney, in behalf of the town of Sherburne, praying for an abatement of the fine set on said town for not sending a Representative to the

General Court, in the year one thousand seven hundred and eighty-one:

Resolved, That there be paid out of the treasury of this Commonwealth, to the said town of *Sherburne*, Eight pounds, one shilling, being the one half of the said fine.

June 23, 1785.

Chapter 47.

Chap. 47 RESOLVE GRANTING SIX POUNDS THIRTEEN SHILLINGS AND FOUR PENCE, TO *JOSEPH MONTAGUE* AND *GIDEON MOODY*, FOR THEIR SERVICE IN THE ARMY, IN THE YEAR 1781.

On the petition of Joseph Montague and Gideon Moody, praying that they may be paid for three months service in the army, in the year 1781:

Resolved, That there be paid by the Treasurer of this Commonwealth, to *Joseph Montague* and *Gideon Moody*, the sum of *Six pounds, thirteen shillings and four pence* each, in full for said service.

June 23, 1785.

Chapter 48.

Chap. 48 RESOLVE GRANTING FIFTEEN POUNDS NINE SHILLINGS ELEVEN PENCE HALF PENNY, TO *DANIEL PETTINGILL*.

On the petition of Daniel Pettingill:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, unto *Daniel Pettingill*, *Fifteen pounds nine shillings and eleven pence half penny*, in full for his services, as set forth in his petition.

June 23, 1785.

Chapter 49.

Chap. 49 RESOLVE ON THE PETITION OF *THOMAS AYER* AND OTHERS, GUARDIANS TO CHILDREN OF *ASA WITHAM*, EMPOWERING THEM TO ENTER AN APPEAL AT THE SUPREME COURT OF PROBATE.

On the petition of Thomas Ayer, Joseph Peirce, and Jeremiah Witham, guardians of the orphan children of Asa Witham, late of New Gloucester, deceased:

Resolved, That the prayer of the petition be granted, and that *Thomas Ayer, Joseph Peirce* and *Jeremiah Witham*, guardians of the orphan children of *Asa With-*

am, of *New Gloucester* aforesaid, deceased, be, and they are, hereby authorized and empowered to enter their appeal, in their said capacities, from a decree of *William Gorham*, Esq; Judge of Probate for the county of *Cumberland*, upon an account called the second account of *Rebecca Bump*, late *Rebecca Witham*, administratrix on the estate of the aforesaid *Asa Witham*, deceased, at the sitting of the Supreme Court of Probate, on the next Tuesday after the fourth Tuesday of *June*, 1786, to be holden at *Falmouth*, in the county of *Cumberland*, — and to file in their reasons as the law directs; — the said guardians giving notice to the adverse party, twenty days before the sitting of the Court aforesaid, by serving her with an attested copy of this resolve; and the Supreme Court of Probate is hereby authorized and required, to receive the said appeal, and determine thereon, in the same manner as if it had been brought before them in the common course of law.

June 23, 1785.

Chapter 50.

RESOLVE ON THE PETITION OF *HIRAM NEWHALL*, IN BEHALF OF THE TOWN OF *ATHOL*, APPOINTING A COMMITTEE TO REPAIR TO SAID TOWN, AND HEAR THE PARTIES.

Chap. 50

On the petition of Hiram Newhall, Esq; in behalf of the town of Athol, and the answer thereto from such of the inhabitants of the district of Orange, as were set off from said Athol:

Resolved, For reasons set forth in the said petition, and answer thereto, that *Ebenezer Bridge, Josiah Stearns* and *John Fessenden*, Esq's. be, and they are, hereby appointed a committee to repair to the town of *Athol* and district of *Orange*, hear the parties and finally adjust and settle all disputes that do now exist, between the said town of *Athol*, and said inhabitants of the district of *Orange*, respecting debts contracted previous to the said district being set off from the town of *Athol*, and also such taxes as may have been assessed pursuant to any vote or votes of said town of *Athol*, subsequent to the incorporation of said district, whose decision shall be final.

And it is further Resolved, That the expence of the committee shall be paid by either or both of the parties, as to the said committee shall seem just and reasonable.

June 24, 1785.

Chapter 51.

- Chap. 51* RESOLVE ON THE PETITION OF EBENEZER PEASE, ALLOWING HIM FORTY-FIVE POUNDS, FIVE SHILLINGS AND FOUR PENCE, FOR HIS WAGES WHILE A PRISONER WITH THE ENEMY, FROM SEPTEMBER 1781, TO JULY 1783, ALSO A GRANT OF TWO POUNDS, TWO SHILLINGS.

On the petition of Ebenezer Pease, praying for a compensation for his time while a prisoner with the enemy, viz.: From the seventh day of September, in the year 1781, to the twenty-sixth day of July, in the year 1783, being twenty-two months and nineteen days, and also for his firelock, accoutrements and blanket, which he lost, and could not recover:

Resolved, That the said Ebenezer Pease be allowed and paid out of the public treasury of this Commonwealth, the sum of *Forty-five pounds, five shillings and four pence*, in full for his wages while a prisoner as aforesaid, and that the same be charged to account of the *United States*.

And it is further Resolved, That he be paid out of the said treasury, a further sum of forty-two shillings, for his firelock, accoutrements and blanket. *June 24, 1785.*

Chapter 52.

- Chap. 52* RESOLVE PREVENTING NAVAL OFFICERS HOLDING THE OFFICE OF COLLECTOR, OR DEPUTY COLLECTOR OF IMPOST AND EXCISE.

Resolved, That no Naval Officer in any of the ports of this Commonwealth, shall exercise, or hold the office or place of Collector or Deputy Collector of Impost or Excise, in any county therein: and if any Naval Officer shall exercise or hold such office, it shall be construed to be a resignation of his place as Naval Officer. *June 24, 1785.*

Chapter 53.

- Chap. 53* RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF TRURO, (IN BEHALF OF SAID TOWN) IN THE COUNTY OF BARNSTABLE, RELATIVE TO THE ABATEMENT OF TAXES.

On the petition of the Selectmen of the town of Truro, in behalf of the said town, praying for an abatement of taxes:

Resolved, That on account of the reduced circumstances of the town of *Truro*, the said town be, and it is, hereby discharged of all the State and Continental Taxes, with which said town stands charged on the treasury books, except the State Taxes No. 3, 1783, and No. 4, 1784, for which last mentioned taxes the said town is to remain accountable; and the Treasurer of this Commonwealth is hereby directed to discharge the said town accordingly, and to stay his executions for the last mentioned taxes, until the next sitting of the General Court.

And it is further Resolved, That if any of the persons assessed in the State Tax of *May*, 1781, hereby remitted to the said town, are not of sufficient ability to pay the sums assessed on them thereon, the Selectmen and Assessors of said town, upon application to them made, may abate the same; and the Collector or Collectors of said tax, are hereby authorized to collect the remainder, and directed to pay the sums they shall so collect into the treasury of the said town of *Truro*, to be applied to such use or uses as may by said town in a legal town meeting be ordered.

June 25, 1785.

Chapter 54.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF CHATHAM, IN BEHALF OF SAID TOWN, PRAYING FOR AN ABATEMENT OF TAXES.

Chap. 54

On the petition of the Selectmen of the town of Chatham, in behalf of said town, praying for an abatement of taxes:

Resolved, That in consideration of the reduced state of the town of *Chatham*, one half of the State Tax No. 3, 1783, together with the several balances due for State and Continental Taxes, prior to the said tax of 1783, be, and they are, hereby remitted and the said town discharged from the payment of any taxes already laid on said town, except the Tax No. 4, 1784, and the one half of the said Tax No. 3; and the Treasurer of this Commonwealth is hereby directed to credit the said town of *Chatham* for the sums hereby remitted, and to stay his executions against said town for the last mentioned taxes, until the next sitting of the General Court.

And it is further Resolved, That the sums remitted to the said town, be nevertheless collected of the several individuals who have neglected to pay the sums respec-

tively assessed on them in the taxes remitted, except such part as the Selectmen and Assessors of the said town shall see cause, upon application made to them, to abate; — and the Collectors of the said taxes, are hereby empowered to compleat their collections, and directed to pay the sums they shall so collect into the treasury of the town of *Chatham*, (save the Tax No. 4, 1784, and the one half of the State Tax No. 3, required to be paid into the treasury of this Commonwealth) to be applied to such use or uses, as shall be by the said town of *Chatham*, at a legal town meeting ordered.

June 25, 1785.

Chapter 55.

Chap. 55 RESOLVE ON THE REPRESENTATION OF THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF *BRISTOL*, EMPOWERING THE SHERIFF TO REMOVE THE PRISONERS FROM *TAUNTON GOAL* TO *PLYMOUTH GOAL*.

On the representation of the Justices of the Court of General Sessions of the Peace for the county of Bristol:

Resolved, That the Sheriff of the county of *Bristol* be, and he hereby is, empowered and directed to remove the prisoners now in the goal in the said county, and to commit those he may hereafter have in his custody, to the goal in the county of *Plymouth*; and the Sheriff of the said county of *Plymouth*, is hereby directed to receive such prisoners into his custody, and them safely keep until they shall be legally discharged or removed, by order of the General Court.

Resolved further, That the charges which may arise in supporting the said prisoners, and all other costs occasioned by the prisoners, shall be defrayed by the said county of *Bristol*, in the same manner as if the said prisoners continued in the goal in the said county of *Bristol*.

June 25, 1785.

Chapter 56.

Chap. 56 RESOLVE ON THE PETITION OF *MURTHA DOYLE*, ALIAS *MATTHEW DOYLE*, DIRECTING THE TREASURER TO DELIVER NOTES IN LIEU OF NOTES ISSUED.

On the petition of Murtha Doyle, alias Matthew Doyle, setting forth that he was a soldier in Colonel Crane's regiment of artillery, in Captain Thomas Jackson's company,

and that his wages have been drawn by one William Davis, from the Treasurer of this Commonwealth, by a forged order:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to make out and deliver to the said *Murtha Doyle*, alias *Matthew Doyle*, notes in the same manner, and for the same amount, as if no notes ever had been issued, for the payment of the aforesaid *Doyle's* wages.

June 27, 1785.

Chapter 57.

RESOLVE ON THE PETITION OF *GEORGE STIMPSON*, TO SERVE MESSRS. *GILBERT DENCH* AND *LAWSON BUCKMINSTER*, WITH A COPY OF THIS PETITION AND ORDER THEREON, TO SHEW CAUSE.

Chap. 57

On the petition of George Stimpson, praying, for sundry reasons set forth in said petition, that he may have a re-hearing in sundry actions between him and Gilbert Dench and Lawson Buckminster, and that the report of the Referees in said actions may be set aside:

Resolved, That the prayer of the petition be so far granted, that the said *George* serve the said *Gilbert* and *Lawson*, with an attested copy of his petition and this order thereon, fourteen days before the second Wednesday of the next sitting of this Court, that they may then shew cause, (if any they have) why the prayer of said petition should not be granted, and that execution be stayed in the mean time.

June 27, 1785.

Chapter 58.

RESOLVE ON THE PETITION OF *BENJAMIN EDY*, AUTHORIZING OVERSEERS OF THE POOR OF THE TOWN OF *EASTON*, TO TAKE CHARGE OF HIM, HIS WIFE AND CHILDREN, AND TO SUPPORT THEM, AND PRESENT THEIR ACCOUNT FOR ALLOWANCE.

Chap. 58

On the petition of Benjamin Edy:

Resolved, That the Overseers of the poor of the town of *Easton*, be, and they hereby are authorized and directed to take charge of the said *Benjamin*, his wife and children, and make such provision for their relief and support, and such distribution of the said children, as the said Overseers shall suppose their necessities may require, and as shall be most for the benefit of the said children, in the same manner as though the said *Benjamin* and his children

were the proper poor of the said town of *Easton*, and present their accounts for the same to the General Court, for allowance and payment.

June 27, 1785.

Chapter 59.

Chap. 59 THE AGREEMENT WITH MESSRS. ADAMS AND NOURSE, FOR PRINTING THE RESOLVES AND ACTS OF THE GENERAL COURT FOR THE PRESENT YEAR.

The Subscribers, in consideration that the present General Court of this Commonwealth of *Massachusetts*, shall grant to them the exclusive business of printing the Resolves and temporary Acts of the Legislature, that shall be passed by the present General Court, hereby on their part engage, that they will print six hundred and fifty copies of each of said Resolves and Acts, on good paper with a fair type, at the price of one penny per sheet; each sheet to contain four pages, and of the same size with those on which the Resolves and Acts of the General Court of the last year were printed, and stitch the Resolves and Acts aforesaid, of each session of the said General Court, in two separate coverings of blue paper, and from time to time deliver the same according to the directions of the General Court.

In witness whereof we have hereto subscribed our names, this twenty-fifth day of *June*, in the year of our Lord, one thousand seven hundred and eighty-five.

(Signed) ADAMS and NOURSE.

In presence of
EDWARD H. ROBBINS.
JOSIAH HUBBARD.

June 27, 1785.

Read and accepted.

June 28, 1785.

Chapter 60.

Chap. 60 RESOLVE REQUESTING THE GOVERNOR TO PROCURE THE LAWS OF OTHER STATES, TO PUBLISH AN ABSTRACT OF CUSTOMS AND DUTIES, AND TO EXPOSTULATE WITH OTHER STATES RESPECTING THEIR EXCISE ACTS.

Resolved, That his Excellency be requested to procure from time to time, the Laws and Resolves of the several *United States*, and also such of the laws, decrees, and arrets of other Governments, as may affect the interest of the citizens of this Commonwealth.

Resolved, That his Excellency be requested to cause an abstract to be printed of all such customs and duties, that

have or may come to his knowledge, of what nature or kind soever, as are demanded from *American* vessels in foreign ports, for the information and government of all concerned.

And it is further Resolved, That his Excellency be requested to expostulate with such of the *United States*, as have passed Impost and Excise Acts, or other Laws for the regulation of Trade, that affect the commercial interest of the citizens of this State, and to urge the propriety of their making such alterations and amendments, as shall render them not only conformable to the spirit of the Confederation, but consistent with those principles of reciprocity which in a national view, ought ever to be adopted.

June 27, 1785.

Chapter 61.

RESOLVE RESPECTING THE ASSESSORS OF THE TOWN OF LANCASTER, CONTINUING THE TIME OF ASSESSMENT TO THE FIRST OF AUGUST NEXT.

Chap. 61

Whereas a Resolve passed the General Court, on the fourth day of March, 1785, empowering the Assessors of the town of Lancaster, for the year 1781, to assess those inhabitants of the town of Shrewsbury, with their estates, that by an act of the General Court, passed the 26th of February, 1781, were set off from said town of Lancaster, and annexed to the town of Shrewsbury, their proportion of the several requisitions made on the said town of Lancaster, in the year 1781: And as the time allowed for the completing said assessment is expired:

Resolved, That the power given the said Assessors, by the Resolve aforesaid, be, and is, hereby continued to the first day of *August* next.

June 27, 1785.

Chapter 62.

RESOLVE MAKING AN ESTABLISHMENT OF THE GENERAL COURT'S PAY.

Chap. 62

Resolved, That there be allowed and paid out of the public treasury, the sum of *eight shillings* to each member of the Hon. Council, and the sum of *seven shillings and six pence*, to each member of the Hon. Senate, — and the sum of *seven shillings* to each member of the House of Representatives, for each day they have attended the

Council or General Court, the present session, also the further sum of one day's pay for every ten miles distance each member lives from the place of the Court's sitting.

June 27, 1785.

Chapter 63.

Chap. 63 RESOLVE ON THE MEMORIAL OF CHARLES CUSHING, ESQ; DIRECTING THE TREASURER TO RECEIVE A CERTAIN SUM OF MONEY OF THE OLD EMISSION, AND NINETY POUNDS IN NOTES.

On the memorial of Charles Cushing, Esq; setting forth that Col. Dummer Sewall, who was a Muster Master and Superintendant for the county of Lincoln, sent the memorialist his accounts, and the surplus of old emission money, and notes remaining in his hands, after paying off the soldiers; which money and notes it appears are the same the said Sewall received from the treasury; — and praying that he might have liberty to return the same into the treasury, for reasons set forth in his petition:

Resolved, That the Treasurer of this Commonwealth, be, and he is, hereby directed to receive Two thousand five hundred and seventy-six dollars of the old emission, and Ninety pounds in notes, being the amount of the aforesaid money and notes, giving duplicate receipts therefor, one of which to be lodged in the Secretary's office, and that the same pass to the credit of the said Dummer Sewall.

June 27, 1785.

Chapter 64.

Chap. 64 RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THE GOVERNOR OF NEW YORK, UPON THE SUBJECT OF LANDS WITHIN THE CLAIMS OF THIS COMMONWEALTH, WHICH SAID STATE OF NEW YORK IS NOW DISPOSING OF.

Whereas this Court has reason to believe that the State of New York, has offered to make sale of lands within the limits claimed to be within this Commonwealth, and that the said State is actually attempting to purchase of the natives, lands lying within the same limits:

Therefore, Ordered, That his Excellency the Governor, be, and he hereby is, requested to write to the Governor of the State aforesaid, representing to him the nature and impropriety of such conduct; that it tends manifestly to

lay a foundation for jealousy and discord between this Commonwealth and the State aforesaid, and that in the opinion of this Legislature, all matters respecting the said lands ought to have been permitted, by the respective claimants thereof, to continue in the same state they were in at the time the claim of this Commonwealth thereto was instituted.

June 28, 1785.

Chapter 65.

RESOLVE ON THE MEMORIAL OF RICHARD DEVENS, ESQ; COMMISSARY GENERAL, TO CREDIT ISAAC SNOW OF HARPSWELL, FOR THE AMOUNT OF THE FIRE ARMS MENTIONED, AND APPOINTING NATHANIEL WELLS, ESQ; TO ENQUIRE INTO THE MATTER OF A NUMBER OF FIRE ARMS SOLD THE HON. JEDEDIAH PREBLE, ESQ; DECEASED. Chap. 65

Whereas it appears to this Court, that Isaac Snow, of Harpswell, who received for the use of that town, twenty-five of the fire arms mentioned in the said memorial, has produced a receipt from Joseph Noyes, Esq; by which it appears, that he paid the said Noyes for twenty of said arms; — and whereas it appears that the other five fire arms delivered to said Snow, were accidentally lost:

Therefore, Resolved, That the said Commissary General be, and he hereby is, directed to credit the said Isaac Snow for the whole amount of the said twenty-five fire arms, the resolve of March the 18th, 1784, notwithstanding.

And whereas it appears that the Hon. Jedediah Preble, late of Falmouth, Esq; to whom thirty-three of said fire arms were delivered, is since dead: — And whereas Daniel Ilsley, to whom forty-seven of said fire arms were supposed to have been delivered, has by his letter to the Commissary General, represented, that those arms were never delivered to his care, so as to make him accountable for the same: — And whereas further enquiry is necessary for the proper investigation of this matter, and to enable this Court to determine with certainty, who are now accountable to this Commonwealth for the said thirty-three arms, and the said forty-seven arms:

It is therefore further Resolved, That Nathaniel Wells, Esq; be a Committee in the next recess of this Court, to enquire particularly into this matter, and report at the next sitting of this Court; — And the Commissary General is directed in the mean time to call upon Joseph

Noyes, Esq; for the proceeds of the twenty fire arms aforesaid, which *Isaac Snow* aforesaid, paid into his hands (as appears by his receipt, dated the 11th of *May*, A. D. 1779) if the same be not already accounted for.

June 28, 1785.

Chapter 66.

Chap. 66 RESOLVE APPOINTING A COMMITTEE TO MAKE SALE OF LANDS IN THE COUNTY OF *BERKSHIRE*.

Resolved, That *John Bacon*, *Samuel Kellogg*, Esq; and *Mr. Ebenezer Peirce*, be a Committee to dispose of all the unappropriated lands belonging to this Commonwealth, lying in the county of *Berkshire*, except the lands on *Hoosuck Mountain*, and those which have been confiscated to the use of Government; and that the said Committee, be, and they hereby are, directed to dispose of the said lands, either at public or private sale, (as they may judge most for the interest of this Commonwealth) for any of the consolidated securities of this State, and to allow, if they shall judge it most beneficial, a day of payment to the purchaser or purchasers of the said lands, for three-fourths of the sum agreed upon, the other fourth being paid in hand, and the term of credit not to exceed six months, taking good and sufficient security therefor; — first giving notice of the sale of said lands, by posting up notifications in the most public places in the four neighbouring towns, and by advertising the same in the *Worcester* and *Springfield* newspapers, three weeks successively, previous to the sale; and the said Committee are hereby empowered to give good and sufficient deeds of the lands they shall sell as aforesaid, and shall cause them to be surveyed by a Surveyor and chainman whom they shall appoint, and who shall be sworn to the faithful discharge of their duty. And as there are divers parcels of the said lands already entered upon; and petitions have been preferred to the General Court, that the occupants may be quieted in their possessions, upon paying a reasonable consideration; in such cases the said Committee are empowered to quiet the occupants in their possessions, upon their paying such sum or sums in consolidated securities of this State, as the Committee shall judge said lands would be worth at the time of sale, as if in an unimproved state: — And the said Committee are hereby

directed to deliver into the treasury of this Commonwealth, all the notes they shall receive in payment for the said lands, together with the obligations received of the purchasers as aforesaid, taking duplicate receipts therefor, one of which to be lodged in the Secretary's office; and they are further directed to make report of their doings hereon at the next sitting of the General Court, or as soon as may be afterwards.

June 28, 1785.

Chapter 67.

RESOLVE ON HIS EXCELLENCY'S MESSAGE, REQUESTING HIM TO ORDER THE GUNS IN THE SEVERAL FORTRESSES IN THE HARBOUR TO BE FIRED, UPON THE BIRTH OF THE DUKE OF NORMANDY.

Chap. 67

Whereas the increase of the family of his Most Christian Majesty, by the birth of a Prince who is styled the Duke of Normandy, will be the means of adding strength and stability to the House of a King, who has given many important proofs of friendship for our nation, and increases the happiness of his family, and the people under his government:

Resolved, That his Excellency, the Governor, be requested to direct the guns of the several fortresses in, and near the harbour of *Boston*, to be fired as soon as may be, on this joyful occasion.

June 28, 1785.

Chapter 68.

RESOLVE ON THE PETITION OF SHUBAEL JOHNSON, EXECUTOR TO BENJAMIN JOHNSON, DECEASED, TO NOTIFY ANN KNIGHT TO SHEW CAUSE, &c.

Chap. 68

On the petition of Shubael Johnson, executor of the last will and testament of Benjamin Johnson, deceased:

Resolved, That *Shubael Johnson* notify *Ann Knight*, formerly named *Ann Borland*, by serving her or her Attorney with an attested copy of his petition and this order thereon, fourteen days at least, previous to the second Wednesday of the next sitting of the General Court, to shew cause (if any there be) on the said day, why the prayer of the said petition should not be granted; — and that the officer who has, or shall receive, the execution mentioned in the said petition, be, and hereby is, directed to extend the same in the mean time, in the same

manner as if the judgment against the said *Shubael Johnson* had been for the sum of *One hundred and seventy pounds ten shillings* damage, and the costs, and for no more.

June 28, 1785.

Chapter 69.

Chap. 69 RESOLVE ON THE PETITION OF *WILLIAM BRUNSON*, IN BEHALF OF THE TOWN OF *ALFORD*, ABATING A FINE.

On the petition of William Brunson, setting forth that the town of Alford, was charged with one man more than their just proportion, by a Resolve of the General Court in December, 1780; and praying that the said town may be abated the fine laid on them in consequence of not raising the aforesaid man:

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth be, and he hereby is, empowered and directed to credit the town of *Alford*, *One hundred and twenty-eight pounds nine shillings and six pence*, on the tax in which the said fine was charged.

June 29, 1785.

Chapter 70.

Chap. 70 RESOLVE ON THE MESSAGE FROM THE GOVERNOR, OF *JUNE 14, 1785*, RESPECTING *JONATHAN EDDY* AND OTHERS, REFUGEES FROM *NOVA SCOTIA*, GRANTING SEVERAL QUANTITIES OF LAND LYING IN ONE BODY, IN THE UNAPPROPRIATED LANDS OF THIS STATE TO THE EASTWARD OF *PENOBSCOT RIVER*, UNDER THE DIRECTION OF THE COMMITTEE FOR SALE OF LANDS IN THE COUNTY OF *LINCOLN*, UPON CERTAIN CONDITIONS.

Whereas Jonathan Eddy, Esq; and the other persons hereafter named, refugees from the province of Nova Scotia, now residing in this Commonwealth, were during the late war, in consequence of the laudable attachment which they expressed to the American cause, necessitated to flee from their respective habitations in the Province aforesaid, and leave their property behind them, many of whom are now in penurious and distressed circumstances; and as the United States in Congress assembled, on the thirteenth day of April last past, recommended the said sufferers to the humanity and particular attention of this Court; and they having by their agent, Jonathan Eddy aforesaid, manifested their desire to procure a settlement in the Eastern part of this Commonwealth:

Therefore Resolved, That there be, and hereby is, granted to the several persons hereafter named, being refugees as aforesaid, and to their heirs and assigns forever, the several quantities of land hereafter mentioned, that is to say, to the said *Jonathan Eddy*, fifteen hundred acres; to *Ebenezer Gardner*, one thousand acres; to *Zebulon Row*, seven hundred and fifty acres; to *William Maxwell*, seven hundred and fifty acres; to *Robert Foster*, five hundred and fifty acres; to *Parker Clarke*, five hundred acres; to *Atwood Fales*, four hundred and fifty acres; to *Elijah Ayre*, four hundred acres; to the heirs of *William Eddy*, three hundred and fifty acres; to *Phineas Never*, one thousand acres; to *Nathaniel Reynolds*, three hundred acres; to *Seth Noble*, three hundred acres; to *Samuel Rogers*, three hundred acres; to *Thomas Forkner*, two hundred and thirty acres; to *John Day*, two hundred and thirty acres; to *Anthony Burk*, *Bradford Carpenter*, *John Eckley*, *Jonathan Eddy, jun.* *William Howe*, each one hundred and fifty acres; which several quantities of land, amounting in the whole, to *Nine thousand three hundred and sixty acres*, shall be laid out in one body, in the unappropriated lands of this Commonwealth, to the eastward of *Penobscot River*, under the directions of the Committee for the sale of unappropriated land in the county of *Lincoln*, who shall also cause division thereof to be made among the grantees aforesaid, in such manner as to make the relative value of the several parcels thereof, as nearly proportionate to the quantities therein contained, as may be.

Provided always, That each of the grantees aforesaid, their heirs or assigns, shall erect a dwelling house, and clear one fiftieth part of the land at least, upon the particular parcel that shall be assigned them, agreeable to this Resolve, within two years after the division shall be made as aforesaid, and that the whole right of any who shall neglect the same, shall enure to the Commonwealth.

July 4, 1785.

Chapter 71.

RESOLVE ON THE PETITION OF MOSES STONE AND ASAHEL WHEELER, AGENTS FOR THE TOWN OF SUDBURY, APPOINTING A COMMITTEE OF BOTH HOUSES, TO REPAIR TO THE SAID TOWN IN THE RECESS, FOR THE PURPOSES MENTIONED.

Resolved, That *Joseph B. Varnum, Esq*; *Mr. Faulkner* and *Mr. Bancroft*, be a Committee to repair to the

Chap. 71

town of *Sudbury*, in the next recess of the General Court, to view the causeway and bridges mentioned in the petition aforesaid, (at the expence of the inhabitants of the said town) and report their opinion, after a careful view of the premises, whether or no justice requires that any alteration should be made in the act of incorporation referred to in the said petition. And in case it shall appear to the satisfaction of said Committee just and reasonable, that *Sudbury* should support and maintain the said causeway and bridges, in equal proportion with *East Sudbury*, then the said Committee are hereby directed to consider of the expediency of apportioning the said causeway and bridges into such divisions as that each of the said towns may support and maintain its own part in severalty; and in case they shall judge such an appointment expedient, then to report at the next sitting of this Court, what particular part, in their opinion, ought to be supported and maintained by *Sudbury*, and what part by *East Sudbury*.

June 29, 1785.

Chapter 72.

Chap. 72 RESOLVE ON THE PETITION OF *GOWEN BROWN* AND *WILLIAM TODD*, GRANTING THEM THIRTY POUNDS TEN SHILLINGS, FOR A JUDGMENT RECOVERED AGAINST THEM.

On the petition of Gowen Brown and William Todd, praying for payment of a whale boat, by them employed in the expedition against the British garrison at Penobscot, by order of General Lovell, and for reimbursement of a sum by them expended in defending a law suit brought against them by one Andrew Reed, for the conversion of said boat:

Resolved, That there be allowed and paid out of the public treasury, to the said *Gowen Brown* and *William Todd*, the sum of *Thirty pounds and ten shillings*, in full for the judgment recovered against them by said *Reed*, upon the action aforesaid, and the costs of the same suit, and that the same be charged to the *United States*.

June 29, 1785.

Chapter 73.

Chap. 73 REPORT ON THE GOVERNOR'S MESSAGE OF THE SECOND OF *JUNE* INSTANT, RELATIVE TO POT AND PEARL ASH, TO MAKE PROVISION IN THE NEXT TAX ACT.

The Committee of both Houses, appointed to consider the message of his Excellency the Governor, of the second

of *June* instant, ask permission to report as their opinion, that it will be expedient that the General Court should make provision in the next Tax Act, granting a sum of money for the use of this Commonwealth, for the reception of Pot Ash, Pearl Ash, Flax Seed, and other specified articles, in payment of the said tax, in lieu of money, under such regulations as may be established in the said act.

June 30, 1785.

Chapter 74.

RESOLVE ON THE PETITION OF ABRAHAM FOSTER AND OTHERS, APPOINTED A COMMITTEE TO REPAIR TO FLINT'S MILL, STANDING ON IPSWICH RIVER, HEAR THE PARTIES, &c., AND REPORT AT THE NEXT SITTING OF THE GENERAL COURT. Chap. 74

Resolved, That *Joseph B. Varnum, Joshua Holt, and Thomas Poor, Esq's.* be a Committee to repair to *Flint's* mill, standing on *Ipswich River*, and view the dam of said mill, notify the Town Clerks of *Reading* and *Wilmington*, seven days before the time they propose to attend, hear the parties, consider what is necessary to be done for making a convenient fish way through the said mill dam, and make report to this Court at their next sitting, the petitioners defraying the expence of the said Committee in performing this business.

June 30, 1785.

Chapter 75.

RESOLVE ON THE PETITION OF EPHRAIM CLEAVELAND, DIRECTING A CONSOLIDATED NOTE TO BE PAID TO HIM, OF THE SAME SUM, PAYABLE AT THE SAME TIME AS HE WOULD BE ENTITLED TO RECEIVE, WERE THE NOTES MENTIONED IN HIS POSSESSION. Chap. 75

On the petition of Ephraim Cleaveland, setting forth that he was possessed of two notes, called depreciation notes, amounting each to Three hundred and sixty pounds, payable in the years 1786 and 1787, and that by accident the same were consumed by fire:

Resolved, That there be paid out of the treasury of this Commonwealth, to *Ephraim Cleaveland*, in a consolidated note, the same sum, payable at the same period or periods as he would be entitled to receive for the said notes, were the same now in his possession: — Provided the said *Eph-*

rain Cleaveland give bond to the Treasurer, with sufficient sureties, to indemnify the Commonwealth, against any demands that may hereafter arise from the notes supposed to be lost as above mentioned.

July 1, 1785.

Chapter 76.

Chap. 76 RESOLVE RECOMMENDING A CONVENTION OF DELEGATES FROM ALL THE STATES, FOR THE PURPOSE MENTIONED.

As the prosperity and happiness of a nation, cannot be secured without a due proportion of power lodged in the hands of the Supreme Rulers of the State, the present embarrassed situation of our public affairs, must lead the mind of the most inattentive observer to realize the necessity of a revision of the powers vested in the Congress of the United States, by the Articles of Confederation:

And as we conceive it to be equally the duty and the privilege of every State in the Union, freely to communicate their sentiments to the rest on every subject relating to their common interest, and to solicit their concurrence in such measures as the exigency of their public affairs may require:

Therefore Resolved, That it is the opinion of this Court, that the present powers of the Congress of the *United States*, as contained in the Articles of Confederation, are not fully adequate to the great purposes they were originally designed to effect.

Resolved, That it is the opinion of this Court, that it is highly expedient, if not indispensibly necessary, that there should be a Convention of Delegates from all the States in the Union, at some convenient place, as soon as may be, for the sole purpose of revising the confederation, and reporting to Congress how far it may be necessary to alter or enlarge the same.

Resolved, That Congress be, and they are hereby requested to recommend a Convention of Delegates from all the States, at such time and place as they may think convenient, to revise the confederation, and report to Congress how far it may be necessary, in their opinion, to alter or enlarge the same, in order to secure and perpetuate the primary objects of the Union.

July 1, 1785.

Chapter 77.

LETTER TO THE PRESIDENT OF CONGRESS.

Chap. 77

SIR,

Impressed with the importance and necessity of revising the powers of the United States in Congress assembled, the General Court of the Massachusetts have taken the subject under their serious consideration,—and have adopted the enclosed resolutions, which you are requested to communicate. Should the nature and importance of the subject appear to Congress in the same point of light that it does to this Court, they flatter themselves, that Congress will so far endeavour to carry their views into effect, as to recommend a Convention of the States at some convenient place, on an early day, that the evils so severely experienced from the want of adequate powers in the federal Government, may find a remedy as soon as possible.

As a perfect harmony among the States, is an object no less important than desirable, the Legislature of the Massachusetts have aimed at that unassuming openness of conduct and respectful attention to the rights of every State in the Union, as they doubt not will secure their confidence, and meet the approbation of Congress.

A circular letter to the States is herewith transmitted to Congress, which they are requested to forward with their recommendation for a Convention of Delegates from the States, if they should so far concur in sentiment with this Court, as to deem such recommendation advisable.

July 1, 1785.

Chapter 78.

TO THE SUPREME EXECUTIVE OF EACH STATE.

Chap. 78

(CIRCULAR.)

The unequal footing on which we find ourselves placed by all the powers with whom we have any commercial intercourse, has produced consequences too extensive not to be universally felt, and too important to be longer neglected.

As commerce and our national credit and importance must decline, unless our Representatives in Congress are vested with more efficient powers, we cannot doubt of your ready concurrence in measures necessary to accomplish so important a purpose.

We have by a Resolve of this day, made application to the United States in Congress assembled, for such recom-

mendation to the several States, as shall be thought most conducive to the purposes aforesaid, a copy of which Resolve, with the letter enclosing it, addressed to the President of Congress, is herewith transmitted you,—should you be in sentiment with us, that the measures proposed are the proper expedients to relieve us from the national embarrassments we labour under, you are requested to signify your approbation of them to Congress, as early as possible.

Chapter 79.

Chap. 79

TO THE DELEGATES OF THIS STATE IN CONGRESS.

GENTLEMEN,

You have herewith transmitted you, copies of a Resolve of the General Court, accompanied by a letter to the President of Congress, and a circular letter to the States, upon business of the greatest importance to this, as well as every State in the Union, as you will readily preceive by a perusal of them:

You are therefore directed to take the earliest opportunity of laying them before Congress, and making every exertion in your power to carry the object of them into effect, and to give notice to the Governor as early as possible of the success of such application.

Resolved, That his Excellency the Governor be, and he is, hereby requested, in behalf of the Legislature, to sign the foregoing letter to the President of Congress, the Supreme Executive of the several States, and to the Delegates of this Commonwealth in Congress, and to forward them accordingly.

July 1, 1785.

Chapter 80.

Chap. 80

RESOLVE ON THE PETITION OF THOMAS CLARKE OF ALMSBURY, DIRECTING THE SHERIFF OF ESSEX TO RECEIVE THE SUM MENTIONED.

On the petition of Thomas Clarke of Almsbury, for reasons set forth in said petition:

Resolved, That the Sheriff of the county of Essex, be, and he is, hereby directed to receive of Thomas Clarke aforesaid, the sum of Fifty pounds in consolidated securities of this Commonwealth, in full discharge of an execution which he has against the said Thomas, in favour of

this Commonwealth, for the said sum, provided the said *Thomas Clarke* pay the cost that has arisen in the prosecution.
July 1, 1785.

Chapter 81.

RESOLVE GRANTING NINETEEN POUNDS FOUR SHILLINGS, TO THE COMMITTEE FOR SURVEYING LAND GRANTED TO A. LEE, ESQ. *Chap. 81*

Resolved, That there be paid out of the public treasury of this Commonwealth, to *Isaac Parsons* and *John Lewis*, Esq's, *Nineteen pounds four shillings*, in full for their trouble and cost of Surveyor, chainmen, &c. in surveying a plat of land granted to *Arthur Lee*, Esq.

July 1, 1785.

Chapter 82.

RESOLVE GRANTING NINE POUNDS THREE SHILLINGS, TO SAMUEL JOHNSON, RICHARD WARD AND JOHN CHOATE, ESQ'RS. FOR DETERMINING TO WHICH CLASS A DISPUTED MAN IN THE TOWN OF ROWLEY, BELONGED. *Chap. 82*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, the sum of *Nine pounds three shillings*, to *Samuel Johnson*, *Richard Ward* and *John Choate*, Esq's, being in full for their time and expence in judging and determining to which class a disputed man belonged in the town of *Rowley*, of which *George Jewett* and *Ebenezer Kilbourn*, were the heads, agreeably to a resolve of the General Court of *March 14, 1783.*

July 1, 1785.

Chapter 83.

RESOLVE GRANTING EIGHT POUNDS FOUR SHILLINGS, TO JOSHUA WASHBURN, A SOLDIER. *Chap. 83*

On the petition of Joshua Washburn, a soldier in the regiment of militia, commanded by Lieut. Col. Comd't Putnam, in the year 1781, setting forth, that the wages for his services in said regiment, to the amount of Eight pounds four shillings, have been drawn at the treasury of this Commonwealth, by a forged order:

Resolved, That there be paid out of the treasury of this Commonwealth, to the said *Joshua Washburn*, the aforesaid sum of *Eight pounds four shillings*, in full for his services in said regiment.

July 1, 1785.

Chapter 84.

- Chap. 84* RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF WARD, DIRECTING THE TREASURER TO STAY HIS EXECUTION AGAINST SAID TOWN FOR THE ARREARS OF TAXES.

On the petition of the inhabitants of the town of Ward, praying that a part of the arrears of the taxes of said town, for the years 1781 and 1782, may be remitted, or that a resolve may obtain directing the Treasurer to stay his executions against said town for said arrears, until it may be in the power of the said town to discharge the same:

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth, be directed to stay his executions against the said town for the arrears of taxes committed to the Constables or Collectors of said town, for the years 1781 and 1782, for the term of six months from the date of this Resolve.

July 1, 1785.

Chapter 85.

- Chap. 85* RESOLVE DISCHARGING SEVERAL TOWNS IN THE COUNTY OF YORK, OF CERTAIN SUMS, BY THE BOOKS OF WILLIAM FOYE, ESQ; DECEASED, WHO WAS TREASURER OF THE PROVINCE OF MASSACHUSETTS BAY, SOME YEARS AGO, AND DIRECTING THE TREASURER IN THIS CASE.

Whereas from certain papers said to be extracts from the books of William Foye, Esq; deceased, who was Treasurer of the Province of the Massachusetts Bay, more than forty years ago, a former General Court of this Commonwealth were induced to suppose that there still remained due from several towns in the county of York, divers sums of money, amounting in the whole, to Seventy pounds, eighteen shillings and seven pence; and whereas it now appears to this Court, that executions were issued by the said Treasurer against the Constables and Collectors of such towns for the sums respectively due, which were delivered to Joseph Plaisted, Esq; deceased, then Sheriff of the said county, and from receipts and indorsements on said executions, and a settlement made in the year 1754, with the executors of the last will of the said Sheriff, by a committee appointed by the General Court for that purpose, and other circumstances, that the said sums supposed

to be due as aforesaid, were paid by the said Constables and Collectors to the said Sheriff, or his executors:

Therefore Resolved, That the several towns in the said county who stand charged any sum or sums by the books of the said *William Foye*, or extracts thereof, be, and hereby are, discharged from the same, and the Treasurer of this Commonwealth is hereby directed to govern himself accordingly.

July 1, 1785.

Chapter 86.

RESOLVE ON THE PETITION OF *LEONARD WILLIAMS*, IN BEHALF OF THE TOWN OF *WALTHAM*, GRANTING THE PRAYER THEREOF.

Chap. 86

On the petition of Leonard Williams, in behalf of the town of Waltham, praying for an abatement of the fine in State Tax, No. 3, for the year 1783, for not sending a Representative for the year 1782, for reasons set forth in said petition:

Resolved, That the prayer of said petition be so far granted, as that one moiety of the said fine, *viz.: Fifteen pounds eighteen shillings and nine pence*, be abated, and that the Treasurer of this Commonwealth be, and he is, hereby directed to discharge the said town of *Waltham*, the aforesaid sum of *Fifteen pounds eighteen shillings and nine pence*, in part of said State Tax No. 3.

July 1, 1785.

Chapter 87.

RESOLVE ON THE PETITION OF THE ASSESSORS OF THE PLANTATION CALLED *LEWISTON*, EMPOWERING THEM TO ASSESS THE INHABITANTS FOR THE SUM OF FORTY-TWO POUNDS AND DIRECTING THE COLLECTORS TO COLLECT THE SAME.

Chap. 87

On the petition of the Assessors of the plantation of Lewiston, praying that they might be authorized to assess the inhabitants of said Lewiston, the sum of Forty-two pounds, which they were taxed in the year 1784, as set forth in said petition:

Therefore Resolved, That the Assessors of the plantation of *Lewiston* be, and they hereby are, authorized and empowered, to assess the inhabitants of the aforesaid

Lewiston, the aforesaid sum of Forty-two pounds, and that the Collector of Taxes of that place be empowered and directed to collect the same, as though assessed in the year 1784.

July 1, 1785.

Chapter 88.

Chap. 88 RESOLVE ON THE PETITION OF BENJAMIN FISK AND JOTHAM BUSH, DISCHARGING CERTAIN REAL ESTATE FROM RECOGNIZANCES AND EXECUTIONS.

Whereas Benjamin Fisk, among other things, hath represented to this Court, that he recognized in the sum of Two hundred pounds, and with Jotham Bush, as his surety, in another recognizance for the sum of One hundred pounds, each conditioned for the appearance of the said Benjamin at the Supreme Judicial Court, holden at Worcester, and that a writ of scire facias issued against him, and another against him and the said Jotham, in favor of the Commonwealth, on the said recognizance, which writs were returnable at the Supreme Judicial Court, holden at Worcester, on the Tuesday next preceding the last Tuesday in April, A.D. 1784, at which Court the said Benjamin and Jotham appeared to defend the suits so commenced against them; but by reason of sickness in their counsel, the pleas in bar were not filed at the day agreed on, whereby judgment was rendered against the said Benjamin for the sum of Two hundred pounds and costs, and against the said Benjamin and Jotham, for the said sums of One hundred pounds each, and costs, and executions have issued accordingly. And whereas it is also represented that the said Benjamin, after recognizing as aforesaid, sold his real estate to David Patterson, for a valuable consideration, neither the said Benjamin or David then suspecting the same was bound by said recognizance; and that should the said executions be levied on the same real estate, the said Benjamin is now unable to satisfy the said David in that behalf, or to indemnify the said Jotham:

Therefore Resolved, That the said real estate sold as aforesaid be, and the same is, hereby discharged of, and from the recognizance and executions aforesaid.

July 1, 1785.

Chapter 89.

LETTER FROM THOMAS CARLETON, GOVERNOR OF NEW BRUNSWICK. AND RESOLVE REQUESTING THE GOVERNOR TO TRANSMIT SAID LETTER TO THE DELEGATES OF THIS STATE IN CONGRESS, TO BE COMMUNICATED. Chap. 89

St. John, (New Brunswick,)

SIR,

June 21, 1785.

In consequence of a letter from your Excellency to the Governor of Nova Scotia, which has been transmitted to His Majesty's Ministers, respecting the boundary between this Province and the State of Massachusetts Bay, I have it in charge to inform your Excellency, that the Great St. Croix, called Scoodiac, by the Indians, was not only considered by the Court of Great Britain, as the River intended and agreed upon by the treaty to form a part of that boundary, but a numerous body of the loyal Refugees, immediately after the peace, built the town of St. Andrews, on the eastern bank thereof — and in fact it is the only River on that side of the Province, of either such magnitude or extent, as could have led to the idea of proposing it as a limit between two large and spacious countries.

In making this communication concerning a point of great public importance, I cannot entertain a doubt, Sir, of your Excellency's concurrence with me in contributing to the compleat observance of the treaty, subsisting between Great Britain and the United States of America, as far as may in any instance immediately respect the State of Massachusetts, and the Province of New Brunswick, and I hope and am persuaded, that if any further question on this subject should arise between us, it will be considered on both sides with a temper and attention essential for the preservation of national peace and harmony.

I have the honor to be

Your Excellency's

most obedient and

most humble servant,

THOMAS CARLETON.

His Excellency Governor HANCOCK.

Resolved, That his Excellency the Governor be desired to transmit a copy of the foregoing letter to the delegates of this State in Congress, to be by them communicated to the United States in Congress assembled. July 1, 1785.

Chapter 90.

Chap. 90 RESOLVE ON HIS EXCELLENCY'S MESSAGE OF THE 25TH JUNE, 1785, REQUESTING HIM, WITH ADVICE OF COUNCIL, TO TAKE ORDER RELATIVE TO THE BLOCK HOUSE AT *MACHIAS*.

On the message of his Excellency the Governor, of the 25th of June instant:

Resolved, That his Excellency, with the advice of Council be, and he is hereby requested to give such orders respecting the block house at *Machias*, in the county of *Lincoln*, either for selling or otherwise disposing of the same, as shall appear to be most for the security and interest of this Commonwealth. *July 1, 1785.*

Chapter 91.

Chap. 91 RESOLVE ON THE PETITION OF *FRANCIS SHIRTLIFF*, TO NOTIFY *ISAIAH CUSHMAN* TO SHEW CAUSE, &c.

On the petition of Francis Shirliff, in behalf of the town of Plymton, praying for a new trial on a certain action brought in the county of Cumberland, by one Isaiah Cushman, against the inhabitants of said Plymton, as set forth in said petition:

Resolved, That the petitioner notify the said *Isaiah Cushman*, that he appear and shew cause, if any he has, on the second Wednesday of the next sitting of the General Court, by leaving an attested copy of his petition, and this Resolve at the last and usual place of his abode, at least fourteen days before the next sitting of the said General Court, and that execution be stayed in the mean time. *July 1, 1785.*

Chapter 92.

Chap. 92 RESOLVE ON THE GOVERNOR'S MESSAGE RELATIVE TO THE RESIGNATION OF MR. *IMLAY*, REQUESTING THE GOVERNOR, WITH ADVICE OF COUNCIL, UPON A NEW APPOINTMENT.

Whereas William Imlay, Esq; has resigned the office for settling the accounts of the Commonwealth, against the United States of America; and it may be expected that another person will soon be appointed to succeed him, the approbation of whom will pertain to the executive, or the Delegates of the Commonwealth attending in Congress,

which business may most conveniently be executed by the Governor, with advice of Council:

Therefore Resolved, That the person who is or may be appointed to succeed the said *William Imlay*, Esq; in the office aforesaid, may be approved or disapproved, as the case may require, by his Excellency the Governor with advice of Council, and not otherwise. *July 1, 1785.*

Chapter 93.

RESOLVE ON THE PETITION OF ASA NARRAMORE, DIRECTING THE TREASURER IN THIS CASE.

Chap. 93

On the petition of Asa Narramore, praying for a compensation for his services in the army, &c. as set forth in said petition:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed, to give security to the said *Asa*, for his wages as a private soldier, during the term of his captivity, *viz.* from *October 19, A.D. 1780, to June 24, A.D. 1784*, in the same manner as though he the said *Asa* had been in actual service during the term aforesaid, which wages amount to the sum of *Eighty-eight pounds five shillings and four pence*, the same to be charged to the *United States*. *July 1, 1785.*

Chapter 94.

RESOLVE ON THE PETITION OF LEMUEL BURRELL, TO NOTIFY THE ADVERSE PARTY.

Chap. 94

On the petition of Lemuel Burrell, representing that he had lost his law through mistake; that he applied to the Secretary's office for the copy of his petition preferred in March last, and a Resolve of the General Court, passed the eighteenth day of March, 1785, thereon, which was mislaid, and praying they may be renewed in his favour:

Resolved, That the petitioner notify *David Sanderson*, the adverse party, to appear and shew cause, (if any he has) on the second Wednesday of the next sitting of the General Court, why the prayer thereof should not be granted, by leaving an attested copy of this petition and order thereon, with the said *David*, fourteen days at least before the said second Wednesday, and that execution be stayed in the mean time. *July 1, 1785.*

Chapter 95.

Chap. 95 RESOLVE PENSIONING SAMUEL ANGIER ONE THIRD PAY, UNTIL FURTHER ORDER.

On the representation of John Lucas, Commissary of Pensioners, in behalf of Samuel Angier, a soldier in Col. Brooks's regiment, in Captain Gardner's company, who was wounded while in the service of the United States, by a ball entering his right shoulder, which has rendered him very unfit for business:

Resolved, That there be granted to the said Samuel Anger, a pension of one third pay, from November 1776, until the further order of the General Court or of Congress.

July 1, 1785.

Chapter 96.

Chap. 96 RESOLVE EMPOWERING THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE FOR THE COUNTY OF WORCESTER, TO LEVY A TAX ON THE INHABITANTS AGREEABLE TO LAW.

On the estimate of the Justices of the Court of General Sessions of the Peace for the said county of Worcester:

Resolved, That the Justices of the Court of General Sessions of the Peace for the county of Worcester, be, and they are hereby authorized and empowered to levy a tax of nine hundred pounds on the inhabitants of said county, in manner and form, and for such uses and purposes, as is by law provided.

July 1, 1785.

Chapter 97.

Chap. 97 RESOLVE GRANTING SEVENTY POUNDS SEVENTEEN SHILLINGS AND SIX PENCE, TO JABEZ HATCH, ESQ; LATE DEPUTY-QUARTER-MASTER-GENERAL, TO PAY TO THE SELECTMEN OF WESTFIELD, OUT OF THE SECOND MOIETY OF THE CONTINENTAL TAX, FOR TEAMING IN 1781, OF STORES FOR THE ARMY, TO BE CHARGED TO THE UNITED STATES.

Whereas the Selectmen of the town of Westfield, in consequence of a letter from his late Excellency Governor Hancock, in the year 1781, supplied the Continental Quarter Master at Springfield, with a number of teams for the transportation of public stores to Great Barrington, which service they performed, and it appears they are greatly distressed by reason of the non-payment of their

just demand, amounting to the sum of Seventy pounds seventeen shillings and six pence:

Therefore Resolved, That there be paid out of the second moiety of the Continental Tax, to *Jabez Hatch*, Esq; late Deputy Quarter Master General, the sum of Seventy pounds, seventeen shillings and six pence, to be by him paid to the Selectmen of *Westfield*, in behalf of said town, in full discharge of the monies due to them for a number of teams furnished the Quarter Master at *Springfield*, in the year 1781, for the transportation of public stores to *Great Barrington* for the Continental Army, — and that the same sum be charged to the *United States*, in part of the requisition of Congress, which said second moiety is appropriated to discharge.

July 1, 1785.

Chapter 98.

RESOLVE ON THE PETITION OF *ISAAC COIT*, IN BEHALF OF *STEPHEN SEXTON* AND OTHERS, GRANTING TO *JABEZ HATCH*, LATE DEPUTY QUARTER MASTER GENERAL, THE SUM OF FORTY-EIGHT POUNDS SIXTEEN SHILLINGS, OUT OF THE SECOND MOIETY OF THE CONTINENTAL TAX, FOR TRANSPORTATION OF STORES TO THE ARMY, IN 1781. *Chap. 98*

On the petition of Isaac Coit, in behalf of Stephen Sexton, Moses Noble, Jonah Stiles and Joseph Campbell, praying for an allowance made them for transporting a quantity of cloathing from the town of Springfield to Clavarack, as set forth in said petition:

Resolved, That there be paid out of the second moiety of the Continental Tax, to *Jabez Hatch*, Esq; Deputy Quarter Master General, the sum of Forty-eight pounds sixteen shillings, to be by him paid to the said *Isaac Coit*, in behalf of the abovesaid *Stephen Sexton, Moses Noble, Jonah Stiles* and *Joseph Campbell*, in full discharge for their transporting the above said cloathing from *Springfield* to *Clavarack*, in the year 1781, and that the same sum be charged to the *United States*, in part of the requisition of Congress, which said second moiety is appropriated to discharge.

July 1, 1785.

Chapter 99.

RESOLVE MAKING GRANTS TO THE SECRETARY, TREASURER AND COMMISSARY GENERAL. *Chap. 99*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Thomas Ivers*, Esq;

Treasurer and Receiver General, the sum of Four hundred and fifty-five pounds eleven shillings and two pence, in full for his services as Treasurer and Receiver General, up to the first day of *June* last inclusive, being at the rate of Four hundred pounds per annum.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *John Avery*, jun. Esq; Secretary of this Commonwealth, the sum of Eighty-three pounds six shillings and sixpence, which, with Fifty pounds the said Secretary has received in fees from *January* first, up to the first of *June* last, is in full for his services as Secretary aforesaid, to the first of *June* last; and is at the rate of Three hundred and twenty pounds per annum.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to *Richard Devens*, Esq; Commissary General of this Commonwealth, the sum of Two hundred and eighty pounds, for his services from *June* first, 1782, to *June* first, 1783; and the sum of Two hundred and fifty pounds, for his services from *June* first, 1783, to *June* first, 1784, and the further sum of Two hundred pounds, in full to *June* first, 1785, for his services as Commissary General of this Commonwealth.

July 1, 1785.

Chapter 100.

Chap.100 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *BARRE*, TO NOTIFY *JOSEPH BLACK*, TO SHEW CAUSE, &c.

On the petition of the Selectmen of the town of Barre, praying that execution in favor of Joseph Black should be stayed:

Resolved, That the petitioners notify the said *Joseph Black*, or his attorney, to shew cause, (if any he has) on the second Thursday of the next sitting of the General Court, why the prayer of the said petition should not be granted, by serving the said *Joseph Black* or his attorney, with an attested copy of their petition, and this order thereon, at least ten days before the said second Thursday of the next session, and that the execution of the said *Black* against the said town of *Barre*, in the mean time, be stayed.

July 1, 1785.

Chapter 101.

RESOLVE ON THE PETITION OF ERASTUS SERGEANT AND
OTHERS, FROM THE SEVERAL TOWNS IN THE COUNTY OF
BERKSHIRE, REMITTING AND DISCHARGING FROM ALL
PENALTIES INCURRED BY BREACH OF ANY LAWS, FOR
PREVENTING THE SPREADING THE SMALL POX. Chap.101

On the petition of Erastus Sergeant, John Paterson, and others, Representatives from the several towns in the county of Berkshire, setting forth, that a number of the inhabitants in the several towns in said county, had inoculated themselves and families for the small pox, for fear of receiving that infectious disease in the natural way, from some persons that brought the same into the several towns in said county, and the above inhabitants receiving the small pox by inoculation, being contrary to law, have rendered themselves liable to fines and penalties, without some relief from this Court:

Therefore Resolved, That all and every person, being inhabitants of either of the towns in the county of *Berkshire*, that have received the small pox, either in the natural way, or by inoculation, in any of the towns aforesaid, at any time between the first day of *November*, A.D. 1784, and the tenth day of *June*, 1785, be, and they are hereby remitted and discharged from all penalties incurred by breach of any of the laws of this Commonwealth, for preventing the spreading of the small pox, any law or resolve to the contrary notwithstanding.

Provided nevertheless, That all and every of the above described inhabitants, against whom any actions or presentments shall have taken place before the passing of this resolve, are, and they shall be holden to the payment of all legal charges that may have arisen in consequence of said actions or presentments, any thing in this resolve to the contrary notwithstanding.

July 1, 1785.

Chapter 102.

RESOLVE ON THE PETITION OF JOSEPH ROOT, IN BEHALF
OF HEZEKIAH ROOT, AUTHORIZING THE INHABITANTS OF
BELCHERTOWN, TO CHOOSE A PERSON TO COLLECT THE
RATE BILLS MENTIONED, AND EMPOWERING THE ASSESS-
ORS IN THIS CASE. Chap.102

Whereas it appears to this Court, by the petition of Joseph Root, in behalf of Hezekiah Root, jun. of Belcher-

town, in the county of Hampshire, that he the said Hezekiah was chosen Constable for said town, in the year 1782, and had sundry rate bills committed to him to collect, to the amount of more than Five hundred pounds, payable to the Treasurer of this Commonwealth, and that in the year 1784, the said Treasurer issued his execution against the said Hezekiah, who thereupon was committed to the goal in Northampton, in said county :

And it further appearing, That there now remains due to this Commonwealth more than Three hundred pounds, uncollected by the said Hezekiah on the said rate bills, for the Continental Taxes of No. 1, and No. 2 ; and that the Selectmen of said Belchertown have now in their possession the said rate bills delivered to them by the said Hezekiah, since his commitment to said goal ; but the said town are not authorized by law to choose another Collector, to compleat the collection on said bills, and the interposition of this Court appearing to be necessary for that purpose :

Therefore Resolved, That the inhabitants of the town of Belchertown be, and they are hereby authorized and empowered, at a legal town meeting to be called for that purpose, to choose some suitable person to compleat the collection of said rate bills, (he being first sworn as other Collectors are by law) and to account in the same way and manner as the said Hezekiah was by law obliged to do.

And be it further Resolved, That the Collector which may be chosen as aforesaid, is hereby authorized and empowered to collect all town and county rates, which remain uncollected by the said Hezekiah.

And it is further Resolved, That the Assessors of the said town of Belchertown be, and they are hereby authorized and empowered to grant to said Collector, who may be chosen as aforesaid, such warrant or warrants as may forward said collection, as by law they are enabled to grant in other cases, any law to the contrary notwithstanding.

July 1, 1785.

Chapter 103.

Chap.103 RESOLVE DIRECTING THE TREASURER TO OBTAIN PAYMENT OF CERTAIN BONDS AND NOTES IN HIS HANDS.

The Treasurer of this Commonwealth having represented to this Court, that there are several bonds and notes due

from sundry persons to the Commonwealth, amounting in the whole to Four thousand two hundred and two pounds two shillings:

Therefore Resolved, That the Treasurer be, and he is hereby directed, to call upon the several persons from whom the above said sums are due, that they pay the same into the Treasurer's office without delay, except such as may have demands against the Commonwealth, (other than public securities) to the amount of their obligations, and if they do not pay the same on or before the first day of *November* next, then the Treasurer is hereby directed to put their several obligations in suit, without any further delay.

July 1, 1785.

Chapter 104.

RESOLVE ON TREASURER'S ACCOUNT FOR THE COUNTY OF WORCESTER. Chap.104

Whereas it appears upon examination of the Treasurer's accounts for the county of Worcester, that they are right cast and well vouched, that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, were for such purposes and appropriations as by law the said Court were allowed to grant:

Therefore Resolved, That the said accounts be accepted and allowed.

July 1, 1785.

Chapter 105.

RESOLVE ON THE PETITION OF ELIJAH REED, FOR STAYING AN EXECUTION. Chap.105

On the petition of Elijah Reed, representing that he had purchased a quantity of land of the Committee for the sale of Confiscated Estates in the county of Bristol, that he had not been able to comply with the conditions of the said purchase, by reason of the Government's not paying him, for which he had been sued, judgment recovered and execution issued against him, and praying relief:

Resolved, That the execution in favour of this Commonwealth, against the said *Elijah Reed*, be stayed until nine

months, and that the Committee for the sale of Confiscated Estates in the county of *Bristol* be, and they are hereby directed to govern themselves accordingly.

July 2, 1785.

Chapter 105A.

Ch. 105A RESOLVE ON THE PETITION OF *JONATHAN DAY* IN BEHALF OF THE TOWN OF *DUDLEY* EMPOWERED TO REMOVE SAID PAUPERS MENTIONED.

On the petition of Jonathan Day in behalf of the town of Dudley, praying that the said Town of Dudley may be allowed to remove the widow Phebe Manning and four of her children, paupers of the Town of Charlestown, to the Town of Waltham.

Resolved, That the Prayer of the petition be granted and that the Selectmen of the Town of *Dudley* be empower'd to remove said Paupers to the Town of *Waltham* and that the Selectmen of the Town of *Waltham* be directed to provide what is necessary for the support of the said Paupers agreeable to the several Resolves of this Court for the purpose.

July 1, 1785.

Chapter 106.

Chap. 106 RESOLVE APPOINTING *JAMES BANCROFT, ESQ*; A COMMITTEE TO PROCURE THE PAY ROLLS FOR THE NINE MONTHS MEN RAISED IN 1779, AND AUTHORIZING HIM TO OBTAIN THE SAME ON THE BEST TERMS HE CAN.

Whereas by a resolve of June 8, 1779, Two thousand men were ordered to be raised to reinforce the Continental army, to serve nine months after they appeared at the place of rendezvous; and whereas many of said men have not received pay for said service, nor any pay roll made up, whereby the sums due to said men can be known:

Therefore Resolved, That *James Bancroft, Esq*; be a Committee to procure the pay rolls for the Nine Months men raised in the year seventeen hundred and seventy-nine, and said Committee is hereby authorized to obtain said pay rolls on the best terms he can, and lay his account for trouble and expence before this Court for allowance and payment.

July 1, 1785.

Chapter 106A.

RESOLVE ON THE PETITION OF SELECTMEN OF TOWN OF WEST-
BOROUGH EMPOWERING THEM TO REMOVE *ROBART SCOTT* Ch. 106A
AND FAMILY *HANNAH STONE* TO SOME TOWN IN *WORCESTER*
COUNTY.

On the petition of the Selectmen of the Town of Westborough, praying that they may be relieved from providing for and taking care of a number of the Poor of Charlestown, now in said Town of Westborough.

Resolved, That the prayer of said Petition be granted, and that the Selectmen, of the said Town of *Westborough* be, and they are hereby empowered and directed to remove from the said Town of *Westborough*, *Robart Scott* and his wife and two children, *Hannah Stone* and *Elizabeth Mallet*, to some other Town in the County of *Worcester*, if any there be that are willing to receive them ; and if there be no Town that are willing to receive them (the said poor persons) in that case the said Selectmen (of *Westborough*) are directed, and empowered to transport, or remove, the said poor persons, to the Town of *Charlestown*, and to deliver them, to the Selectmen of said Town, who are hereby directed to receive them, and the Selectmen of the Town, or Towns, to whom they (the said poor persons) shall be sent, and delivered, or that shall receive them, are directed to take care of and provide for them, in the same way and manner as is provided by the Acts and Resolves of the General Court, for the support of the Poor of *Charlestown*, and lay their accounts before the Committee on accounts for examination, allowance and payment.

July 1, 1785.

Chapter 107.

RESOLVE ON THE PETITION OF *JOSEPH ASHLEY* AND *MARY LEONARD*, ADMINISTRATORS ON THE ESTATE OF COL. *DAVID LEONARD*, EMPOWERING THE JUDGE OF PROBATE IN THE COUNTY OF *HAMPSHIRE*, TO GRANT A LONGER TIME FOR CREDITORS TO BRING IN THEIR CLAIMS. Chap. 107

On the petition of Joseph Ashley and Mary Leonard, administrators on the estate of Col. David Leonard, deceased, and of John Worthington, Esq; praying that the Judge of Probate for the county of Hampshire, may be

authorized and empowered to allow a longer time to the creditors of said estate to bring in their claims, and to make a new apportionment of said estate, according to the second sale of said real estate:

Resolved, That the Judge of Probate for the county of *Hampshire* be, and hereby is authorized and empowered to grant a longer time to the creditors of said estate, to bring in their claims and prove their debts, and upon the second sale of said real estate, to make another apportionment of said estate, to and among the creditors thereof, a former apportionment by him made thereon notwithstanding, and that all suits against the said administrators, for debts due from the said estate, be stayed in the mean time.

July 2, 1785.

Chapter 107A.

Ch. 107A RESOLVE ON THE PETITION OF JOHN TAYLOR AND OTHERS
ASSESSORS OF SHELBURNE.

On the Petition of John Taylor, Moses Hawks & Robert Wilson — Assessors and Collectors of a Tax of one penny p^r Acre yearly for three Years successively on all the unimproved Lands in the Town of Shelburne pursuant to an Act made A. D 1772 setting forth that in said Act it is required that the sale of so much of the delinquent Proprietors Lands as shall be necessary to satisfy such Taxes and other intervening Charges shall be advertised in two of the Boston News Papers — viz. the Boston Gazette & Country Journal — and the Massachusetts Gazette and Boston Weekly Intelligencer — and praying that for reasons set forth in their Petition they may have leave to advertise the sale of such delinquent Proprietors Lands in the Springfield Newspapers —

Resolved, That the Prayer of the Petition be granted & that the Assessors & Collectors aforesaid have leave in future to advertise such sale as aforesaid in the *Springfield* Newspapers only, which advertisements being made in the Newspaper last mentioned shall have the same force, effect & Validity which like advertisements would have if published in the Newspapers mentioned in said Act anything therein to the contrary notwithstanding.

July 2, 1785.

Chapter 108.

RESOLVE ON THE PETITION OF ISAAC JONES, IN BEHALF OF
HIMSELF, AND OTHER MANAGERS OF WATERTOWN (GREAT-
BRIDGE) LOTTERY, PROLONGING THE TIME TO 1787. Chap.108

Whereas the managers of the Watertown Bridge Lottery, have petitioned that the time limited by law for the widening and repairing the said bridge may be prolonged, and as the completing that business within that time was impracticable:

It is therefore Resolved, That the time for completing the widening and repairing the said bridge by said managers be, and it hereby is prolonged to the first day of *July*, in the year of our Lord, one thousand seven hundred and eighty-seven, any thing in the act passed *June* the twenty-second, one thousand seven hundred and eighty-four, notwithstanding.

And it is further Resolved, That the penalty of the bond given by said managers to the Treasurer of this Commonwealth, shall not be forfeited by reason that the widening and repairing said bridge is not completed by the said first day of *July*, A. D. 1785, provided the same shall be completed by the first day of *July*, in the year of our Lord, one thousand seven hundred and eighty-seven, as aforesaid.

July 2, 1785.

Chapter 109.

RESOLVE ON THE PETITION OF EBENEZER HARRINGTON,
DIRECTING THE TREASURER TO RENEW THE NOTES MENTIONED. Chap.109

On the petition of Ebenezer Harrington, setting forth that he was possessed of a consolidated State note of nine pounds, No. 17656, which note was burnt the first day of October, 1783:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby directed to renew the said note for the sum of Nine pounds, to the said *Ebenezer Harrington*; and the Treasurer is further directed to require a good and sufficient bond of the said *Harrington*, previous to his renewing the said note as aforesaid, to indemnify the Commonwealth against any demand that may arise from any person or persons, by virtue of the note destroyed as aforesaid.

July 2, 1785.

Chapter 110.

Chap.110 RESOLVE DIRECTING THE JUDGE OF PROBATE TO CALL ON AGENTS ON ABSENTEES ESTATES.

Whereas it is expedient that the accounts of agents on the estates of absentees, should be brought to a final conclusion as soon as may be:

Resolved, That the several Judges of Probate in this Commonwealth, shall as soon as may be, after the first day of *December* next, put in suit or cause to be put in suit, all the bonds of Agents on the Estates of Absentees in their respective offices, who shall not, on or before the said first day of *December*, have finally closed their respective accounts.

And it is further Resolved, That the Judge of Probate, shall as soon as may be, give notice to the said Agents in their respective counties, their Executors, Administrators, or sureties, of this Resolve.

Provided always however, That nothing in this Resolve shall extend to any agent, who in the opinion of the Judge of Probate, to whom he is accountable, has not been guilty of neglect.

And it is further Resolved, That the respective Judges of Probate, shall as soon as may be, after the said first day of *December*, transmit to the Secretary of this Commonwealth, the names of the several Agents aforesaid, whose accounts shall then remain unsettled, and whose bonds shall not have been put in suit, and the causes of delaying the same.

July 2, 1785.

Chapter 111.

Chap.111 RESOLVE ON THE PETITION OF WILLIAM WHITING, DIRECTING PAY FOR HIS ATTENDANCE AS A REPRESENTATIVE.

Whereas William Whiting, Esq; attended the House of Representatives, from the 28th of August, to the 18th of September, (both days included) in the year 1776, as Representative from Great-Barrington, but by mistake was not made up in the pay roll, nor hath since received any allowance therefor:

Ordered, That there be allowed to the said William Whiting, in the pay roll of the present session, for his travel to, and attendance in the said House of Represent-

atives, the sum of Nine pounds, being at the rate of five shillings by the day, the same to be charged to said *Great Barrington*, in the next State Tax. *July 2, 1785.*

Chapter 112.

RESOLVE ON THE PETITION OF *WILLIAM LUSK*, IN BEHALF OF THE TOWN OF *RICHMOND*, DIRECTING THE TREASURER TO CREDIT SAID TOWN, WITH SIXTY-EIGHT POUNDS EIGHTEEN SHILLINGS AND EIGHT PENCE. Chap.112

On the petition of William Lusk, in behalf of the town of Richmond, representing that the said town was fined in May Tax, 1781, for a deficiency, of six men to serve for the term of three months, agreeably to a resolve of the General Court, dated June 22, 1780; and whereas it appears to this Court, by the Muster Master's certificates, that the said town of Richmond, did raise five of the said men, within the time limited by said resolve, and by the certificate of Capt. William Ford, that four of them did serve agreeably to said resolve:

Resolved, That the Treasurer of this Commonwealth be, and he is hereby empowered and directed to credit the town of *Richmond*, Sixty-eight pounds eighteen shillings and eight pence, on the tax for 1783, that being the amount of the average price and fines for four men.

July 2, 1785.

Chapter 113.

RESOLVE ON THE PETITION OF *RICHARD CRANCH*, ESQ; AND OTHERS, A COMMITTEE FOR SELLING ABSENTEES ESTATES IN THE COUNTY OF *SUFFOLK*, DIRECTING THE TREASURER TO DISCHARGE THE EXECUTION MENTIONED. Chap.113

Whereas the Committee for Sale of Confiscated Estates in the county of Suffolk, sold a certain confiscated estate in said county, belonging to Edward Foster, an absentee, and warranted the same, in behalf of this Commonwealth, to one Levi Lane, who purchased the said estate at public auction; the nett proceeds whereof (being Four hundred and twenty-three pounds, and eighteen shillings) the said Committee paid into the public treasury in June, 1782, as appears by the certificate of the committee, who settled the said account. And whereas it afterwards appeared, that the said estate was under mortgage to the Hon. John

Erving, Esq; who brought an action of ejectment against the tenant, Levi Lane, the purchaser aforesaid, and recovered judgment of possession against the said Levi Lane, unless he pay the said Erving, the sum of Four hundred and seventy-eight pounds ten shillings and two pence, being the present debt and costs, which sum the Committee aforesaid, by virtue of their warrantee to said Lane, are now liable to pay, or have their own lands taken in execution for the same: Therefore,

Resolved, That the Treasurer of this Commonwealth be, and he hereby is directed to discharge the said execution, by paying the said sum to the said *Levi Lane*.

July 2, 1785.

Chapter 114.

Chap.114 RESOLVE MAKING AN ALLOWANCE TO THE PRESIDENT, SPEAKER AND CLERKS.

Resolved, That there be granted and paid out of the public treasury of this Commonwealth, to the Hon. *Samuel Phillips*, jun. Esq; President of the Senate, the sum of six shillings per day, for each day's attendance the present session of the General Court; to the Hon. *Nathaniel Gorham*, Esq; Speaker of the House of Representatives, the sum of six shillings per day, for each day's attendance on the General Court, over and above their respective pay as members thereof.

And be it further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and also to Mr. *Samuel Cooper*, Clerk of the Hon. Senate, the sum of Forty pounds, each, in part for their services the present year.

July 2, 1785.

Chapter 115.

Chap.115 RESOLVE ON HIS EXCELLENCY'S MESSAGE OF THE 20TH OF JUNE, 1785, REQUESTING HIS EXCELLENCY TO CARRY THE RESOLVE OF CONGRESS OF NOVEMBER, 1783, AS HE MAY JUDGE BEST, INTO EXECUTION, AND DIRECTING THE AGENTS TO EXHIBIT THEIR ACCOUNTS, BY A RESOLVE OF CONGRESS OF MAY, 1785.

Whereas by a resolve of Congress of the third of November, 1783, it is Resolved, That the Regimental Agents,

(belonging to this Commonwealth) shall deliver the certificates for the arrears of pay due to the officers and soldiers of this State's line of the American army, to the said officers and soldiers, or deposit them for their benefit, as the Supreme Executive of this State shall order and direct:

Resolved, That his Excellency the Governor be requested, with advice of Council, to take such order thereon, as he may judge best to carry said resolve into execution.

And whereas, by a Resolve of Congress of the twenty-seventh of May, 1785, this Court is requested to make reasonable allowances to the aforesaid agents, for their time and expence in delivering the certificates aforesaid:

Resolved, That said agents exhibit their accounts to the General Court, for allowance and payment, the same to be charged to the *United States*.
July 2, 1785.

Chapter 116.

RESOLVE ON THE PETITION OF THE HON. GEORGE PARTRIDGE, ESQ; GRANTING HIM TWENTY-TWO POUNDS FIFTEEN SHILLINGS, IN FULL DISCHARGE FOR HIS EXPENDITURES AT CONGRESS, TO THE 15TH OF MARCH, 1785. Chap.116

On the petition of the Hon. George Partridge, Esq; praying for the adjustment of his account as member of Congress:

Resolved, That there be paid out of the treasury of this Commonwealth, to the Hon. *George Partridge, Esq;* in addition to the warrants of Two hundred pounds already received, the sum of Twenty-two pounds, fifteen shillings, in full discharge of his expenditures and attendance as a Delegate for this Commonwealth at Congress, from the first day of *November*, 1784, to the fifteenth day of *March*, 1785, inclusive.
July 2, 1785.

Chapter 117.

RESOLVE ON THE PETITION OF JOSEPH SMITH, IN BEHALF OF HANNAH OLDS, ALLOWING NOTES OUT OF THE TREASURY BEARING DATE FIRST OF JANUARY, 1782. Chap.117

On the petition of Joseph Smith, in behalf of Hannah Olds, administratrix on the estate of Jonathan Olds, late of Belchertown, deceased:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the aforesaid *Hannah*

Olds, in notes, bearing date the first day of *January*, 1782, the sum of Twenty-three pounds, twelve shillings and ten pence, for reasons set forth in said petition.

July 2, 1785.

Chapter 118.

Chap.118 RESOLVE ON THE PETITION OF *WILLIAM SHEPARD*, IN BEHALF OF THE INHABITANTS OF THE TOWN OF *WESTFIELD*, FOR STAYING ALL LEGAL PROCESS, ON ACCOUNT OF THE PREMISES, TILL THE NEXT SESSION OF THE GENERAL COURT.

On the petition of William Shepard, in behalf of the inhabitants of the town of Westfield, setting forth, that a fine is demanded of said town for their deficiency of one man of the number which they were required to raise to serve in the Continental Army, in the year of our Lord, 1782, and praying that they may be freed from a liability to pay said fine, for reasons set forth in the petition :

Resolved, That the prayer of the said petition be so far granted, as that all legal process and proceedings on account of the premises, be stayed till the second Wednesday of the next session of the General Court, and that the further consideration of the matters contained in said petition, be referred to the same Wednesday.

July 2, 1785.

Chapter 119.

Chap.119 LETTER TO THE DELEGATES OF THIS COMMONWEALTH IN CONGRESS, RELATIVE TO THE SETTLEMENT OF THE PUBLIC ACCOUNTS OF THIS STATE, &c. &c.

COMMONWEALTH OF MASSACHUSETTS.

GENTLEMEN,

The diminution of our public debt, and the establishment of public credit, are considered by this Court, as objects of the highest importance; it therefore gives no small anxiety to this Legislature, to find that some States in the Union have paid no part of the last requisition of Congress, and that others have applied the monies raised for the use of Congress, to the payment of the particular demands of their own citizens against the *United States*.

This Legislature conceives it necessary, that some measure should be speedily adopted for obtaining from the several States their just proportion of the general

expenditure:—You are therefore instructed to use your influence in Congress for that purpose; and also in every instance to remonstrate where monies raised for the use of Congress have been by any State specially applied to the payment of their own citizens, for demands against the *United States*. No endeavors on your side, it is presumed, will be wanting, that frugality and economy be adopted and invariably adhered to in the several departments of the federal government; and that the public expences be as much as possible lessened, and the most effectual measures taken for satisfying the creditors of the *United States*: It is not only the wish of the Legislature, that no more money be borrowed by the *United States*; but it is their instruction, that you do not give your assent thereto, unless on some pressing and urgent occasion, and not then, except the necessity appears in a degree inevitable. It has been the expectation of this Court, that the accounts of this Commonwealth against the *United States*, would by this time have been passed upon and closed; but to our great disappointment, the settlement has not as yet extended to 1776: the Committee on the part of this State, have ever been ready; this Committee have been continued at a very great expence. The delay on the part of the *United States*, is become a grievance, and justice to our constituents, obliges us to complain:—The mode pursued by the late Commissioner, in the settlement of accounts, and as directed by the late Financier, if strictly adhered to, will not, we apprehend, accomplish the purpose wished for, in a term less than twenty or thirty years; you will therefore move in Congress, that the Commissioner that may be appointed for this State, be directed to attend in *Boston*, and apply himself to the business of settling the accounts of this State, with the *United States*, until he has accomplished the same. And that you may more fully comprehend the sense of this Court, upon the mode of settling the accounts, you are referred to the sentiments of the Committee for stating and methodizing the public accounts, now enclosed.

In raising the detachments of the militia, to be employed as guards for the western service, your endeavours to guard against the first tendencies towards the keeping up a standing army in time of peace, have deservedly obtained the approbation of this Court;—this State will not however in any future detachment for that purpose, decline furnish-

ing its quota of militia, it being upon the whole conceived to be eligible.

In Senate, *July 2, 1785.* Read and accepted, and thereupon *Ordered*, That His Excellency the Governor be requested, in behalf of the General Court, to sign and transmit the foregoing letter to the Delegates of this Commonwealth in Congress.

Sent down for concurrence.

In the House of Representatives.

Read and concurred.

July 2, 1785.

Chapter 120.

Chap.120 RESOLVE ON THE PETITION OF *WILLIAM WILLIAMS*, ALLOWING HIM FOUR POUNDS TWELVE SHILLINGS.

On the petition of William Williams, Esq; praying for the payment of his account, in performance of services by order of the General Court, in pursuance of an Act passed January, 1773 :

Resolved, That there be paid to the said *William Williams*, Esq; out of the treasury of this Commonwealth, the sum of Four pounds, twelve shillings and an half penny, in full satisfaction of his said demand. *July 2, 1785.*

Chapter 121.

Chap.121 RESOLVE ON THE PETITION OF *JOHN BURGHARDT*, THE THIRD, OF *GREAT BARRINGTON*, EMPOWERING HIM TO MAKE ANY PLEA OF DEFENCE, WHICH HE MIGHT ORIGINALLY HAVE MADE IN THE ACTION MENTIONED.

On the petition of John Burghardt, the third, of Great Barrington, in the county of Berkshire, praying that the default in an action of trespass now depending in the Supreme Judicial Court in the said county, in which Amos Mansfield, John Crocker and John Rhodes, were original plaintiffs, and the said Burghardt defendant, may be taken off, and that the said Burghardt may have day in Court, notwithstanding the said default :

Resolved, That the prayer of the said petition be granted, and that the said *John Burghardt*, be, and he hereby is, authorized and empowered to make any plea and defence, which he might originally have made in the said action, the said *John Burghardt* paying to the said *Mansfield* and

others, as abovementioned, such costs as have hitherto arisen in the said action, and should judgment finally be recovered by said *Burghardt*, no cost shall be taxed for him previous to this time.

July 2, 1785.

Chapter 122.

RESOLVE GRANTING FORTY POUNDS, TO MR. *WILLIAM BAKER* Chap.122
MESSENGER TO THE GENERAL COURT, FOR SERVICES TO
THE 25TH OF AUGUST NEXT.

On the petition of William Baker, Messenger to the General Court, praying allowance for three months service, ending the 25th day of August next:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, unto the said *William Baker*, the sum of Forty pounds, in full for his services as Messenger to the General Court, for three months, ending the twenty-fifth day of *August* next.

July 2, 1785.

Chapter 124.*

RESOLVE ON HIS EXCELLENCY'S MESSAGE OF THE 28TH JUNE, Chap.124
LAST, RELATIVE TO *SAMUEL STEARNS*, A REFUGEE, CONFINED
IN *WORCESTER* GOAL, REQUESTING THE GOVERNOR TO
WRITE TO THE DELEGATES IN CONGRESS, UPON THE
SUBJECT.

Resolved, That His Excellency the Governor be desired to write a letter to the Delegates representing this Commonwealth in Congress, to be communicated to Congress, and informing them that it is the sense of this Legislature, that if all the facts in the petition of *Samuel Stearns* were true, they can see no cause to pay any attention to the case, for by his own representation he is now confined in goal on a judgment recovered against him, in favour of this Commonwealth, long before the Treaty of Peace, and for a debt actually due, and so is totally out of the provision of any article of said Treaty; but on examination of the subject, it appears that the said *Stearns's* representation is entirely groundless, and that the crime with which he was charged, and for which he was recognized to answer, and from meeting which he withdrew himself, was the infamous crime of fraud, in knowingly passing counterfeit money.

July 2, 1785.

* No chapter numbered 123 in Session Pamphlet.

Chapter 125.

Chap.125 RESOLVE ON THE REPRESENTATION OF JONAS TEMPLE, OF SHREWSBURY.

On the petition of Jonas Temple, agent on the estate of William Crawford, of Shrewsbury, in the county of Worcester, an absentee:

Resolved, That the Judge of Probate for the county of Worcester, be, and he hereby is, directed to credit the said Jonas Temple, agent as aforesaid, in his account of agency on the estate of the said William Crawford, with the sum of Eight pounds; that sum being the balance for which the said agent remains accountable to the said Judge, and from which it appears that he ought to be discharged, for reasons set forth in his said petition, and the papers accompanying the same.

July 2, 1785.

Chapter 126.

Chap.126 RESOLVE ON THE PETITION OF JOHN NICHOLS, IN BEHALF OF THE TOWN OF WASHINGTON, DIRECTING NO PROCESS TO ISSUE AGAINST THE SAID TOWN FOR RATES AND TAXES *MENTIONED.

On the petition of John Nichols, in behalf of the town of Washington, touching an execution against Haven Shearman, and certain taxes collected by him the said Haven, for which the said town must be finally answerable:

Resolved, That no process issue against the said town of Washington, for the rates or taxes mentioned in the said petition, for the term of nine months from the passing of this Resolve.

July 4, 1785.

Chapter 127.

Chap.127 RESOLVE DISCHARGING THE COMMITTEE FOR METHODIZING PUBLIC ACCOUNTS, AND APPOINTING TWO PERSONS.

Whereas it appears that the business of the committee for stating and methodizing the public accounts, and for settling this State's quota of the Continental army, is so far lessened, as that the same may now be well performed by fewer persons:

Resolved, That said committee, be, and the same is, hereby discharged, and that two persons be chosen in

their stead by the Legislature, to execute the same powers, and perform the same business, which the said committee are now authorized to perform, and that the persons so chosen, be authorized to employ one Clerk only.

July 4, 1785.

Chapter 128.

RESOLVE ENTITLING THE HEIRS OF CHARLES MORRIS, TO TWENTY SHILLINGS PER MONTH, FROM JANUARY 1, 1777, TO JANUARY 1, 1785. Chap.128

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Charles Morris, who was wounded in the retreat from Quebec, in the year one thousand seven hundred and seventy-six:

Resolved, That the heirs of Charles Morris aforesaid, be entitled to twenty shillings per month, from the first day of January, seventeen hundred and seventy-seven, until the eighth day of March, seventeen hundred and eighty-five, being the time of his decease.

July 4, 1785.

Chapter 129.

RESOLVE ON THE PETITION OF ROBERT WALKER, DIRECTING THE JUDGE OF PROBATE FOR THE COUNTY OF BERKSHIRE TO RE-COMMIT THE COMMISSION TO THE COMMISSIONERS TO CONSIDER THE CLAIM MENTIONED. Chap.129

On the petition of Robert Walker, setting forth, that the Commissioners on the estate of Daniel Brewer of Pittsfield, an absentee, deceased, represented insolvent, have made return of claims to the Judge of Probate for the county of Berkshire, that he being absent at their time of sitting, had no opportunity to exhibit his claim, that as yet there hath no distribution of said deceased's estate been made, and praying that the consideration of the premises may be committed to said Commissioners:

Resolved, That the Judge of Probate for the county of Berkshire, be, and he hereby is, authorized and empowered to re-commit the commission to the Commissioners, to consider and report upon said claim; — the former commission being closed notwithstanding.

July 4, 1785.

Chapter 130.

Chap.130 RESOLVE GRANTING TO CALVIN PARTRIDGE, ESQ; FOR THE USE OF THE WIDOW OF ICHABOD ALDEN, LATE OF DUXBURY, ONE HUNDRED AND THIRTY-FIVE POUNDS, FOR ONE YEAR'S HALF PAY, AND FOUR HUNDRED AND FIVE POUNDS, TO SAID PARTRIDGE, AS GUARDIAN TO THE CHILDREN OF THE SAID ALDEN, FOR THREE YEARS HALF PAY, TO BE PAID IN CONSOLIDATED NOTES.

Whereas it appears, that the widow and children of Ichabod Alden, late of Duxbury, Esq; deceased, (who lost his life in the service of the United States, on the 11th of October, 1778, while holding the rank of Colonel) are entitled to the benefit of a Resolve of Congress, of the 24th of August, 1780 :

Resolved, That there be paid out of the treasury of the Commonwealth, to Calvin Partridge, Esq; for the use of the widow of the said Alden, the sum of One hundred and thirty-five pounds, in full for one year's half pay, due to the said widow ; and also, that the further sum of Four hundred and five pounds be paid to the said Partridge, as guardian to the children of the said Alden, in full for three years half pay as aforesaid ; which sums, amounting in the whole to Five hundred and forty pounds, shall be paid in consolidated notes, said notes to be dated when the sums respectively became due, and that the same be charged to the *United States.*

July 4, 1785.

Chapter 131.

Chap.131 RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE FOR REVISING THE LAWS.

Resolved, That there be paid out of the treasury of this Commonwealth, eleven shillings per day to the several members of the Committee for revising the laws, in full satisfaction for that part of their time expended in that business, for which no grant hath been yet made ; and the Governor and Council are requested, on ascertaining the time expended as aforesaid, to cause proper warrants to be drawn for the payment of the same.

July 4, 1785.

Chapter 132.

Chap.132 RESOLVE ON THE PETITION OF ANN DIZER, EMPOWERING DAVID MUNROE, TO SELL THE LAND MENTIONED.

On the petition of Ann Dizer, praying that David Munroe, may be empowered to sell land in the town of

Blanford, in the county of Hampshire, belonging to the estate of Mr. John Foy, late of Charlestown, deceased:

Resolved, That the prayer of said petition be granted, and that said *David Munroe* have full power and authority to sell said land, and execute a good deed or deeds of the same; and the money arising therefrom to be disposed of, and the said *Munroe* to be accountable for the same, according to the last will and testament of the aforesaid *John Foy*.

July 4, 1785.

Chapter 133.

RESOLVE EXTENDING THE LICENCES TO SUNDRY PERSONS
CALLED ABSENTEES. Chap.133

Whereas the Governor with advice of Council, hath granted licence to sundry persons commonly called absentees, to reside within this Commonwealth:

Resolved, That the licences aforesaid be, and they are, hereby approved, and shall continue in force until the second Tuesday of the next sitting of the General Court, provided the Governor, with the advice of Council, shall judge the continuance of those persons in this Commonwealth, consistent with the safety thereof.

July 4, 1785.

Chapter 134.

RESOLVE SUSPENDING A PROVISIO IN THE IMPOST AND EXCISE
ACT, RESPECTING SUBJECTS OF THE OTHER STATES. Chap.134

Whereas by a certain clause in an Act entitled, "An Act in addition to, and for the explanation of an act, entitled an act for laying duties of Impost and Excise on certain goods, wares and merchandize therein described, and for repealing the several laws heretofore made for that purpose," it is provided in the following words:

"Provided nevertheless, That no subject in any State in the Union, shall be entitled to the benefit of the foregoing provision, unless there be an Act laying duties of Impost of equal amount within such State, nor until the Legislature of such State shall have passed a law equally beneficial to the subjects of this Commonwealth, any thing herein to the contrary notwithstanding," which at present is found inconvenient:

Therefore Resolved, That the before recited clause be, and it hereby is, suspended in its operation, till the second Tuesday of the next sitting of the General Court.

July 4, 1785.

Chapter 135.

Chap.135 RESOLVE APPOINTING A COMMITTEE TO CONFER WITH A COMMITTEE FROM NEW HAMPSHIRE.

Resolved, That *Benjamin Goodhue*, Esq; with such as the Hon. House may join, be a Committee to confer with such gentlemen, as may be appointed by the Legislature of the State of *New Hampshire*, for this purpose, upon such commercial regulations, to be reported to the Legislatures of this Commonwealth, and the State aforesaid, as may be mutually advantageous to both States; and His Excellency the Governor is requested to communicate this Resolve to the Supreme Executive of the State aforesaid, and to request that the same may be submitted to the consideration of the Legislature thereof.

July 4, 1785.

Chapter 136.

Chap.136 RESOLVE REQUIRING THE SECRETARY AND THE TREASURER TO CERTIFY TO THE GOVERNOR AND COUNCIL, THE BALANCE DUE TO THEIR CLERKS, AND REQUESTING THE GOVERNOR WITH ADVICE OF COUNCIL, TO ISSUE WARRANTS IN THEIR FAVOUR.

Resolved, That the Secretary, and the Treasurer and Receiver General be, and they hereby are, required to certify to His Excellency the Governor, and the Hon. the Council, the balances now due to the several Clerks in their respective offices, according to the usual rates of allowance; and the Governor thereupon, with advice of Council, is requested to make his warrants on the treasury for the payment of the said respective balances to the several persons to whom the same are due.

And it is further Resolved, That the Governor be requested, with the advice of Council, to make the usual allowance to *Jacob Kuhn*, Door Keeper to the General Court, for his services the present session, and to make his warrant on the treasury, for the payment thereof.

July 4, 1785.

Chapter 136A.

RESOLVE CONFIRMING A GRANT OF LAND OF THIRTY MILES SQUARE, TO THE HEIRS OF BRIGADIER WALDO, ON CERTAIN CONDITIONS. Ch. 136A

The Committee appointed by a resolve of the General Court, of the 28th of *October*, 1783, to examine the claims to lands in the county of *Lincoln*, &c. take leave to report, — That they have received the claims of a number of individuals and companies to different tracts of land in the county aforesaid, and have given particular attention to the grant made in the year 1629, from the Council of *Plymouth*, to *Beauchamp* and *Leverett*, whereby is given, granted and confirmed, to the said *Beauchamp* and *Leverett*, a tract of land described in the words following, *viz.* : “ All and singular those lands, tenements and hereditaments whatsoever, with the appurtenances thereof, in *New England* aforesaid, which are situate, lying and being within or between a place there, commonly called and known by the name of *Muscongus*, towards the south or southwest, and a straight line extending from thence, directly ten leagues up into the main land and continent there, towards the great sea commonly called the *South Sea*, and the utmost limits of the space of ten leagues on the north and northeast of a river in *New England* aforesaid, commonly called *Penobscot*, towards the north and northeast, and the great sea commonly called the *Western Ocean* towards the east, and a straight and direct line extending from the most western part and point of the said straight line, which extends from *Muscongus* aforesaid towards the *South Sea*, to the utmost northern limits of the said ten leagues on the north side of the said river *Penobscot*, towards the west.” A description, — the true intent and meaning whereof your committee find it extremely difficult to determine. They have examined all the plans of that part of the county of *Lincoln*, which they can obtain; have conferred with the representatives of the heirs of Brig. Gen. *Waldo*, and the Clerk of the Associates, as they are called, as well as with those who are not interested in the grant, but have not obtained the satisfaction they wish, as to what was intended to be the direction of the line from *Muscongus*, or what was designed to be the course and length of the bounds described in these words, *viz.* : “ and the utmost limits of the space of

ten leagues, on the north and northeast of a river in *New England* aforesaid, commonly called *Penobscot*, towards the north and northeast."

On examining the records of the General Court, from the year 1761, to the revolution, your Committee find, that on the 23d of *February*, 1762, a Committee of the then General Court, reported that it was expedient for the Province to release and convey to the representatives of Brigadier General *Waldo*, a tract of six miles in breadth, at the head of the patent to *Beauchamp* and *Leverett*, to extend from *Penobscot River* to the line from *Muscongus*, after extending said line thirty-six miles from *Muscongus* into the country, with certain provisos, upon their (the said representatives) releasing to the Province all their right and claim to lands east of *Penobscot River*; which they had agreed with the said Committee to perform: That this report was accepted by the then General Court; and that the form of a release or quit-claim to be made by the said representatives, and of a grant to be made by the Province, was concluded upon, but cannot find that either was executed: On the contrary, there was found in the files of the General Court for the year 1762, a fair copy of the grant beforementioned, which appears to have been intended to be signed by the Governor, the President of the Council, and the Speaker of the House of Representatives, but without the signature of either.

Upon fully considering the difficulties which attend every construction of the beforementioned patent, which has been proposed, and the great importance to the Commonwealth, as well as to individuals, that the limits of the said patent be ascertained, and finally determined, and that speedily, — your committee are of opinion, that it will be expedient for the Commonwealth to confirm to those interested in the beforementioned grant to *Beauchamp* and *Leverett*, the tract of land contained within the following bounds, *viz.* — Beginning at the point of land east of the mouth of the River *Muscongus*, thence extending up the said river according to the general course thereof, into the country; then running from the said point of land along the sea coast, and by the bay of *Penobscot* to the mouth of the River *Penobscot*; from thence extending up the said river, until a line drawn from the said River *Penobscot* to the *Muscongus* line first mentioned, shall give and compleat a tract of land, equal

to a tract of land thirty miles square, and so that the said *Muscongus* line first mentioned shall be equal in length to a right line, drawn from a point of land called *Owl's Head* to the mouth of *Penobscot River*, with the line extending up the said *Penobscot River*, added thereto, together with all Islands, whose center falls within three miles of any part of the lands before described, — on condition, that those interested as aforesaid, shall make and execute a release and quit-claim of all other lands (except those contained within the bounds aforesaid) by virtue of the said grant to *Beauchamp* and *Leverett*, and lodge the same in the Secretary's office, on or before the third Tuesday of the next sitting of the General Court.

SAMUEL PHILLIPS, jun.
NATHANIEL WELLS,
NATHAN DANE.

Read and accepted, and thereupon *Resolved*, That the Legislature of this Commonwealth confirm to the heirs of the late Brigadier General *Waldo* and others, interested in the grant to *Beauchamp* and *Leverett*, a tract of land equal to a tract thirty miles square, agreeably to the bounds of the tract recommended to be confirmed in the foregoing report (provided the same do not interfere with any prior grant) on condition that those interested as aforesaid, shall make and execute a release and quit-claim of all other lands (except those contained within the bounds mentioned in the said report) by virtue of the grant to *Beauchamp* and *Leverett*, and lodge the same in the Secretary's office, on or before the second Tuesday of the next sitting of the General Court.

Provided nevertheless, that no right or rights which may have escheated to the Commonwealth, be included in the said confirmation.

Provided, That the said claimants, or some of them, shall give bonds to the Treasurer of this Commonwealth, in the penalty of Three thousand pounds, conditioned that such of said claimants as are of age, shall execute a release of all their right, title and interest in and to any of the lands under said grant or patent, and that such of said claimants or patentees as are now under the age of twenty-one years, shall execute such release within six months after they shall arrive at that age.

Provided also, That any person who may now be in possession of any lands within the limits of said patent, and who have been in possession of the same from any time before the 19th day of *April*, shall be quieted in such possession, upon such terms as shall hereafter be determined upon by the General Court.'

And the Secretary is hereby directed to cause this Resolve to be published in the *Independent Chronicle*, six weeks successively.

July 4, 1785.

A SUPPLEMENT TO THE RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

BEGUN AND HELD AT *BOSTON*, IN THE COUNTY OF *SUFFOLK*, ON WEDNESDAY THE TWENTY-FIFTH DAY OF *MAY*, ANNO DOMINI, 1785.

CONTAINING THE SPEECHES AND MESSAGES OF HIS EXCEL-
LENCY THE GOVERNOR, TO THE TWO BRANCHES OF THE
GENERAL COURT, AT THEIR SESSIONS COMMENCING THE
25th OF *MAY*, 1785, WHICH IN THE PRECEDING PART OF
THIS VOLUME SHOULD HAVE BEEN INSERTED IN THE
ORDER OF THEIR RESPECTIVE DATES.

COMMONWEALTH OF *Massachusetts*.

In SENATE, *May* 26, 1785.

Ordered, That *Walter Spooner*, *Moses Gill*, and *William Phillips*, Esquires, with such as the Honourable House may join, be a committee to wait on the Hon. *James Bowdoin*, Esq; and inform him that the Senate, out of the two gentlemen sent up to them by the honourable House, have made choice of him as Governor of this Commonwealth, (agreeable to the Constitution) for the year ensuing, and request his acceptance as soon as is convenient.

Sent down for concurrence.

SAMUEL ADAMS, President.

In the HOUSE OF REPRESENTATIVES, *May* 26, 1785.

Read and concurred, and Mr. *Dexter*, Mr. *Hitchborn*, Mr. *Read* and Mr. *Spooner*, are joined.

NATHANIEL GORHAM, Speaker.

On this message, the following letter was sent to the Senate and House of Representatives.

HONOURABLE GENTLEMEN,

Your message, by a very respectable committee, acquainted me that you had been pleased to elect me to the office of Chief Magistrate of the Commonwealth: I shall do myself the honor, personally, of expressing my mind to you on the occasion; and, for that purpose, will attend you at such time and place as you shall please to signify will be agreeable to you.

With every sentiment of respect,

I have the honor to be, gentlemen,

Your most obedient and very humble servant,

JAMES BOWDOIN.

FRIDAY, May 27, 1785, A.M.

Mr. Bowdoin, accompanied by his Honour the Lieutenant-Governor, being introduced into the Senate Chamber, where the whole General Court were assembled, thus addressed the Court.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

You having done me the honor of electing me to the office of Chief Magistrate of the Commonwealth, I take this opportunity of declaring my acceptance of it.

I have a due sense of the honor you have conferred, and shall express it more fully, as soon as may be, after the compleat organization of the government.

I have understood, gentlemen, that several things have with great assiduity been suggested, to the disadvantage of my political character, and particularly that I am under *British* influence.

The other suggestions, (so far as I have heard of them,) are of little importance; but this is of such a nature, that I find myself obliged to take some notice of it. I would therefore observe, that an honest man, whose character as such I am conscious belongs to me, cannot take the oath of office required by the Constitution, and at the same time be under such an influence. *That* oath was deemed a sufficient guard against the influence suggested; and my taking it may satisfy you there was no ground for the suggestion. But, gentlemen, as it is essential to the good

of the Commonwealth, that the people at large, and the General Court in particular, should have a firm trust and confidence in the integrity of their first magistrate, my duty to them, and to my own character, requires, that I should explicitly declare, at my first entering upon that important office, and I do accordingly declare, that I never have been, that I am not, and (so far as a man can affirm in regard to his future conduct) that I will not be under any foreign influence whatever ; but, on the contrary, that the whole of my administration shall, in every respect, according to my best knowledge and ability, be conducted by the principles of the Constitution.

Though this declaration may be unnecessary with regard to you, gentlemen, as I am sure it is in regard to those who are fully acquainted with my political principles, and character, it may, notwithstanding, be proper in reference to the good people of the Commonwealth in general : especially as the suggestions above mentioned have been very widely disseminated.

I am now ready, gentlemen, to take the oaths of office, pursuant to the requisitions of the Constitution.

JAMES BOWDOIN.

SENATE CHAMBER, *May 27, 1785.*

Then his Honor the Lieutenant Governor, addressed the Court as follows :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have been acquainted by a very respectable Committee of both Houses, that upon examining the returns of the votes from the several towns in this Commonwealth, it appears, I have been elected, by the suffrages of the people, to be Lieutenant Governor for the year ensuing, and that you requested my acceptance of that office as soon as was convenient. I very sensibly feel the honour conferred upon me, by the people, in this appointment, which is heightened by the honourable and obliging manner in which you have requested my acceptance of it ; I consider it as a fresh and repeated mark of their esteem and confidence, and it has impressed my mind with the warmest sentiments of respect and gratitude. I shall endeavour to discharge the duties of the office with fidelity and impar-

tiality, in order to which, I am now ready to take the oaths, and make the declarations required by the Constitution.

THOMAS CUSHING.

COUNCIL CHAMBER, *May 27, 1785.*

By direction of the President of the Senate, Proclamation was then made by Mr. Secretary Avery, that His Excellency James Bowdoin, Esq; is Governor of the Commonwealth of Massachusetts; and that his Honor Thomas Cushing, Esq; is Lieutenant Governor of the Commonwealth.

MONDAY, *May 30, 1785.*

In consequence of a message from the Senate and House of Representatives, the Governor sent them the following message.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Your message of this afternoon informed me that the two branches of the General Court are ready to receive any communications which the Governor may think proper to make to them.

In return to that message, I would acquaint you, gentlemen, that I purpose to meet you to-morrow, at twelve o'clock, when I shall lay before you several matters for your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *May 30, 1785.*

TUESDAY, *May 31, 1785.*

At twelve o'clock, the two Houses being convened in the Representatives Chamber, the Governor, attended by the Secretary and the High Sheriff of the county of Suffolk, proceeded from the Council Chamber to the State House, where he was received by a Committee of the two Houses, who introduced him to the Speaker's Chair in the said Chamber, when His Excellency made the following Speech.

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

I cannot on this occasion but express my warmest acknowledgments for the honour you have conferred upon

me by appointing me “the Supreme Executive Magistrate” of this Commonwealth. This proof of your confidence in me, the strongest in your power to give, affords me the greater satisfaction, as it was the result of your own judgment, uninfluenced by any solicitations on my part, — a circumstance which, if anything could, must add to the obligation I feel myself under, to render the Commonwealth the best services in my power.

I wish my abilities, and in particular my health, were more equal to the arduous work assigned me. Such as they are, they shall be devoted to that work; and in the executing of it, you will permit me to expect, what I am persuaded your patriotism will readily induce you to afford — your best aid and support; that the great end of government, the good of the people, may most effectually be promoted and secured.

As our constitution of government delineates the general duty of those, who have the administration of it, it is incumbent on me, upon this occasion to declare, that it shall be the standard by which my public conduct shall be regulated. If however, any deviation from it should on my part take place, which I assure you shall not be a voluntary one, your intimation of it, which I am persuaded would be consistent with the most perfect candour, will be received with real satisfaction, and shall correct the error.

When the Constitution was accepted by the good people of the Commonwealth, they doubtless thought it a very good one. But good as the Constitution is, the benefit to be derived from it, must depend in a great measure on themselves, by their adherence to the principles of it, and by a correspondent conduct, or a due obedience to its laws. They have given the clearest proof of their disposition to support it; and this day evinces *that* disposition by our assembling here in consequence of their observance of it. They must therefore be highly displeased to see any infringements made upon, or any measures proposed or taken, that have a tendency to subvert it; especially as so much of their blood and wealth has been expended to put them in a situation to obtain it.

To prevent those infringements in future, and to counteract such measures, it will be the duty of the executive department to apply the whole weight of their influence.

The state of our foreign trade, which has given so general an uneasiness, and the operation of which, through the extravagant importations and use of foreign manufactures, has occasioned so large a balance against us, demands a serious consideration.

To satisfy that balance our money is exported; which, with all the means of remittance at present in our power, falls very short of a sufficiency.

Those means, which have been greatly lessened by the war, are gradually enlarging; but they cannot soon increase to their former amplitude, so long as Britain and other nations continue the commercial systems they have adopted since the war. Those nations have an undoubted right to regulate their trade with us, and to admit into their ports, on their own terms, the vessels and cargoes that go from the United States, or to refuse an admittance; their own interest, or their sense of it, being the only principle to dictate those regulations, where no treaty of commerce is subsisting.

The United States have the same right, and can, and ought to regulate their foreign trade on the same principle: But it is a misfortune, that Congress have not yet been authorized for that purpose by all the States. If there be any thing wanting on the part of this State to complete that authority, it lies with you, gentlemen, to bring it forward and mature it; and until Congress shall ordain the necessary regulations, you will please to consider what further is needful to be done on our part, to remedy the evils, of which the merchant, the tradesman and manufacturer, and indeed every other description of persons among us, so justly complain.

Those evils, so far as they arise from the contracted system adopted by Britain, will be felt by herself; for it not only abridges the means of paying the great balance due to her, but must necessarily lessen the future demand for her manufactures; in consequence of which it may be expected that her merchants and manufacturers, when they shall fully experience those effects, of which they are already sensible, will petition their parliament to take off the duties and restraints, to which the new regulations have subjected the American trade.

Though we feel a present inconvenience from those regulations, they will eventually produce a happy effect, by lessening our use of British commodities, most of which

are superfluous and unnecessary, and compelling us to adopt a plan of frugality and economy, the want of which is the principal source of our difficulties.

Lately emerged from a bloody and expensive war, — a heavy debt upon us in consequence of it, — our finances deranged, and our credit to re-establish, it will require time to remove those difficulties. The removal of them must be effected in the same way a prudent individual, in like circumstances, would adopt : by retrenching unnecessary expences, adopting a strict economy, providing means of lessening his debt, duly paying the interest of it, and manifesting to his creditors and the world, that in all his transactions he is guided by the principles of honour and strict honesty. In this way, and this only, public credit can be maintained or restored : and when government, by an undeviating adherence to those principles, shall have firmly established it, they will have the satisfaction to see, that they can obtain loans in preference to all borrowers whatever. In such credit was the government by a steady adherence to those principles, that for many years prior to the late war, they could command money on loan to a far greater amount than the public necessities required.

When that time shall again arrive, our public difficulties, arising from the present state of our finances, will be at an end. To hasten it is my duty and wish, and shall be the object of my earnest endeavour. For that purpose, if I am not mistaken, a fund may be established for the regular payment of a considerable part of the interest of the public debt. This fund, with other funds that may possibly be devised, may within a reasonable time greatly lessen that debt, and finally discharge it. What will serve to recommend it, if it should meet with your approbation, is, that it will not be burthensome to the people, and that most of them will be able to pay their proportion of it with certainty and punctuality. On this subject, gentlemen, I shall send you a particular message.

It is of great importance, and the happiness of the United States depends upon it, that Congress should be vested with all the powers necessary to preserve the union, to manage the general concerns of it, and secure and promote its common interest. *That* interest, so far as it is dependent on a commercial intercourse with foreign nations, the confederation does not sufficiently provide for ; and this State, and the United States in general, are

now experiencing, by the operation of their trade with some of those nations, particularly Great Britain, the want of such a provision.

This deficiency of power may be the result of a just principle, a caution to preserve to each State all the powers not necessary to be delegated: With respect to which, as there was room for a variety of opinions concerning them, they could not all be certainly known at the time of forming the confederation. Experience however, has shewn the necessity of delegating to Congress further powers; which on the same principle of caution, might be limited to a certain time, and afterwards continued, or altered, at the pleasure of the United States.

This matter, gentlemen, merits your attention; and if you think that Congress should be vested with ampler powers, and that special delegates from the States should be convened to settle and define them, you will take the necessary measures for obtaining such a Convention or Congress, whose agreement, when confirmed by the States, would ascertain those powers.

The state of the treasury, and of the public debt, as soon as it shall be prepared by the Treasurer, I shall lay before you, with such observations as shall occur to me upon the subject. There are other matters, which I shall lay before you by message.

In the mean time, gentlemen, be assured, that in every measure you shall adopt, contributive to the public happiness, my duty and inclination will lead me to concur with you. And as that happiness so essentially depends on internal peace and mutual confidence among ourselves, it shall be my endeavour to cultivate them universally; especially in, and with, the General Court.

To that point if all our views are uniformly and conscientiously directed, we cannot fail, with the blessing of heaven, to obtain it. But on the other hand, as the effect must follow from its cause, a contrary conduct will be productive of public infelicity.

It depends on ourselves, and particularly on the principles, which shall guide the transactions of the General Court, whether we shall be a happy or an unhappy people.

JAMES BOWDOIN.

After the delivery of the Speech, the Governor, attended as before, returned to the Council Chamber.

THURSDAY, June 2, 1785.

The Governor sent the following message to the two Houses, relative to pot ash, and pearl ash.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have intimated to you the probability that a fund might be established for discharging a considerable part of the interest of the public debt. I think this may be done by converting into money a valuable manufacture, to which the State is amply competent, and of which a large quantity might be collected by tax, and sold for the use of government. The manufacture to which I refer, is pot ash and pearl ash.

Of those articles a thousand tons annually, for several years, prior to the war, were exported from this State, and most of that quantity was manufactured within it; for which the manufacturers received at a medium, and might now receive for it, at the same rate, at least, *Thirty thousand pounds* per annum.

This manufacture, which could be carried to a much greater extent, might be applied to the direct use of the State, and very greatly to its benefit.

For that purpose, each town, or several towns as a joint district, might erect, at their own expence, a manufactory, to which the inhabitants should bring their ashes, or the rough salts made from them, where they should be manufactured into pot ash and pearl ash; of which, the quantity required of each town should be delivered at such times and places as the act of the General Court should order; and in case of any deficiency, the deficient quantity should be paid to the Treasurer, in money, at such a rate as the act should prescribe.

In this way, a large quantity, the property of the State, might with ease be collected, which, if merchantable, or made by a given process according to a certain standard, (to which circumstance a strict attention should be paid) would be purchased for exportation; and the money arising from the sale paid into the public treasury, to be applied as the act should order.

To guard against imposition from the purchasers, and to secure a vent for it in case the whole could not in season be sold here, a part, or the overplus, might be shipped on the government account to foreign markets on freight, or in vessels in the service of the government; and for the net product, bills of exchange might be sold here, or the money for it might be imported, and lodged in the treasury, to be applied agreeably to the act.

Here, gentlemen, is exhibited a concise view of the fund, and the means of establishing it. If you approve this general idea of it, a committee might consider its several parts, and bring them to a regular system, which, it is probable, would be productive of a considerable yearly revenue to the Commonwealth.

Several years ago, I took the liberty of proposing to divers members of the General Court this mode of raising a fund, that on the credit of it money might be obtained in *Europe* on loan; but in the discussion of it in the House of Representatives, there appeared so many objections to it, arising from the war, that it was then thought impracticable; but those objections are now removed, and if there be any other, they probably may be obviated.

To every mode of taxation objections may be made; but this mode seems less liable to them than any that has occurred to me. The facility with which such a tax may be paid, and the numerous advantages that will probably arise from it, are the motives which induce me to propose it.

As to the facility of payment, every family in the State, from the necessary consumption of wood, and without any additional expence, can furnish ashes towards their share of the tax; and people in the inland towns in general, and in the new towns and plantations in particular, in the same way, and by clearing their lands, can furnish more than their proportion, and can supply the deficient. For these ashes, or for the rough salts, by an easy process procured from them, on their being sent to the town or district factory, its manager will credit the respective persons who shall send them. And it will be incumbent on each town, from time to time, to send from its factory, agreeable to the standard, the quantity of pot ash and pearl ash required of it; on the delivery of which, according to the act, the receiving officer will give a receipt for, and enter it in account, to the credit of the town.

In regard to the advantages to be expected from such a tax, — it will establish a most valuable manufacture, by means of which, an equal value of gold and silver, which the experience of mankind has determined to be the only proper currency or medium of exchange, would be retained within the State, or brought into it. It would provide, with ease and certainty, if sufficiently large, the means of gradually paying the great debt of the State. It would restore public credit; beget a confidence in government; make loans on future occasions obtainable; clear our lands; encourage agriculture; promote industry; furnish the merchant with a valuable export for remittance; increase our navigation and commerce; and, in consequence of these desirable effects, remove many of the difficulties of which, at present, there is so much reason to complain.

These expected benefits are not merely ideal: they will naturally result from the establishment of the grosser manufactures, to which the nature of our soil and climate are best adapted. Of this description is the manufacture abovementioned; and the establishment of it to any considerable degree, or to an extent productive of those benefits, will depend on the tax act proposed: which, however, may be defeated, if unhappily any future acts of the Legislature should have a counter operation.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 2, 1785.*

SATURDAY, *June 4, 1785.*

The two Houses sent to the Governor the following reply to the Speech he made to them the 31st of May.

To his Excellency *James Bowdoin, Esq;* Governor of the Commonwealth of *Massachusetts.*

MAY IT PLEASE YOUR EXCELLENCY.

The two branches of the Legislature, on the present occasion, cannot but express their sincere and cordial acknowledgments to your Excellency for the early attention to the most important concerns of the Commonwealth, so fully expressed in your Excellency's late address.

The General Court, contemplating your Excellency's political and literary character, long experience and intimate acquaintance with the most interesting concerns of their constituents, feel that confidence in your Excellency, as their first Magistrate, which cannot fail to produce a harmony among the several branches of government, and excite their combined efforts to promote and secure the best interest of the whole.

The Senators and Representatives of the people of this Commonwealth have, with your Excellency, the highest sense of those virtuous exertions of their fellow citizens, which, aided by a kind providence, have obtained, supported, and preserved the excellent Constitution we now enjoy; and, under the auspices of which, we are at present assembled, to promote and maintain the public interest, safety and happiness. In every measure tending to preserve this Constitution sacred and inviolate, we shall ever, with your Excellency, most cheerfully concur.

The embarrassed state of our trade and commerce has justly alarmed every order of men, and demands the immediate exertions of government to remove the evils complained of. To this subject, the General Court have already paid particular attention; and, from your Excellency's communications, feel an additional stimulus to new exertions, with respect to this important source of our national interest and wealth.

The Legislature, with your Excellency, must consider public credit, not only as most highly important, but even essential to the welfare, if not the being of a people; an object ever to be attended to, and never to be trifled with; the source of wealth, as it enables government to command in times of necessity the riches of others, on conditions reasonable or advantageous. Your Excellency's further communications on this branch of our national concerns, *our finances*, will be received with that attention which a subject, involving in it our reputation and most important interest, so justly deserves.

On the subject of a reform in our affairs of finance, and the establishment of public credit, the General Court have a particular disposition to meet your Excellency, in every measure, calculated to promote these valuable purposes.

The attention of the General Court is now drawn by your Excellency's address, to the Federal Compact, which, though perhaps as excellent as the state of things, at the

time of its formation, would permit; yet time and experience have evinced the necessity of some amendments in it: and we are happy to find the first Magistrate of this Commonwealth, at so early a period of his administration, manifesting his readiness to concur with us in attending to and examining this important part of our common polity: and it shall be our most earnest endeavour, at all times, to contribute to the establishment of the Federal Government of these States, on a firm basis, and on such principles as may best tend to procure a just distribution of power, perfect the union, preserve and secure the rights and liberties of individuals, and promote public, private and social happiness.

Conceiving with your Excellency, that the want of some plan of national economy and frugality, is the principal source of our present difficulties, we shall readily unite in those measures, which the exigencies of our affairs require, and which shall appear to be most happily calculated to promote those virtues, so important and essential to the preservation of a Republican Constitution, and the enjoyment of that freedom and felicity, which such a Constitution is adapted to secure.

IN SENATE, *June 4, 1785.*

Ordered, That *William Phillips, Charles Turner, and Joseph Hosmer*, Esquires, with such as the honorable House shall join, be a Committee to wait on His Excellency the Governor, with the foregoing reply to His Excellency's address of the 31st ult.

Sent down for concurrence.

SAMUEL PHILLIPS, jun., President.

IN the HOUSE OF REPRESENTATIVES, *June 4, 1785.*

Read and concurred, and *Mr. Davis, Mr. Bourn, Mr. Wales, and Mr. Chamberlain*, are joined.

NATHANIEL GORHAM, Speaker.

MONDAY, *June 6, 1785.*

The Governor sent a message to the two Houses, accompanied with two Acts and an Ordinance of Congress, relating to the Western Territory.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I received by the post a letter from the Secretary's Office of the United States, dated the 28th ultimo, enclosing an Act of Congress for laying into distinct States the Western Territory ceded to the Union by the individual States: also an Ordinance for ascertaining the mode of disposing of lands in the Western Territory; and an Act declaring the election of a Surveyor for each of the nine States mentioned in that act, the Surveyor appointed for this State being *Rufus Putnam*, Esq.

These papers, gentlemen, merit your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 6, 1785.*

WEDNESDAY, *June 8, 1785.*

The following message was sent by the Governor to the two Houses, relative to the line of jurisdiction between this Commonwealth, and the Eastern Boundary of the State of New York.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Legislature of the State of *New York* have passed an act authorizing Congress to appoint three judicious and disinterested persons, as Commissioners to run out and ascertain the line of jurisdiction between this State and that, so far as it relates to the Eastern Boundary of *New York*, and pursuant to the agreement between the Commissioners of the two Governments, made the 18th of *May, 1773*: such appointment to take place on Congress being vested with like authority by the Legislature of this State. For a fuller representation of this matter, you will please to be referred to the said Act, and to Governor *Clinton's* letter on that subject, dated the 10th of *March* last; both which do accompany this message.

The unsuccessful attempts to complete this business, make it the more eligible, that effectual measures for that purpose should be taken as soon as may be.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 8, 1785.*

FRIDAY, *June 10, 1785.*

The Governor sent the two Houses the following message, relating to our trade with the States in confederation with us, &c.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

At the same time you are considering the state of our trade with foreign nations, it seems necessary to consider it, as it stands related to the States in confederation with us.

According to a letter I have received from the Naval Officer of this port, and the Collector of Impost and Excise for the County of *Suffolk*, several of those States have laid duties on goods imported, which in their operation have a tendency to injure the trade of this Commonwealth. The letter to which I refer, will be delivered to you by the Secretary; and will give further information on the subject.

As we are much unacquainted with the acts and laws of the several States in union with us, the knowledge of which might be in many respects beneficial, and, in respect to their influence on our trade, necessary, I would recommend to your consideration, whether it would not be proper to procure from each of the United States, all their Acts, now in force, and also all such as shall be made in future.

In the mean time, gentlemen, I shall be ready to concur with you in any measures conducive to remove or prevent the evils suggested by the abovementioned letter.

For the same reason, would it not be proper to procure the Acts of the British Parliament, and of other European Governments, that relate to the vessels and products of the United States?

A printed state of the duties payable by such vessels in several ports of *France*, has been received, with a letter dated the eleventh of *April* last, from Mr. *Jay*, Secretary of the United States for foreign affairs: both of which will be laid before you.

It may be needful for the information of merchants who send their vessels to those ports, that the said printed state, or an abstract of it, should be reprinted here.

You will pass, gentlemen, such order concerning it, as you shall judge suitable.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 10, 1785.*

TUESDAY, *June 14, 1785.*

A message was sent by the Governor to the two Houses, concerning Jonathan Eddy, and others, refugees from Nova Scotia, viz. :

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

A letter of the 15th of *April* last has been received from the Secretary's Office of the United States, signed by Mr. Secretary *Thomson*.

Among other matters, of which it is needful you should be informed, it covered an Act of Congress, recommending to the attention of the particular States in which they respectively reside, Mr. *Jonathan Eddy*, and others, refugees from *Nova Scotia*, who, on account of their attachment to the *American* cause, were obliged to fly from that government.

Mr. *Eddy*, and some other of those refugees belong to, and reside in this State, and are therefore objects of that recommendation. He is now here in behalf of himself and his fellow sufferers, attendant on the General Court : and their case, gentlemen, you will please to take into your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 14, 1785.*

THURSDAY, *June 16, 1785.*

A message respecting a Committee from New Hampshire, appointed to confer with the two Houses on the subject of certain Commercial Acts of both States.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Yesterday came to town from *New Hampshire*, several gentlemen, appointed by the General Court of that State, to confer with the Legislature of this, on the subject of such Acts of both States, as do affect the commerce of either.

They are instructed to propose and consult on such laws and regulations as shall be judged convenient and necessary for the mutual advantage of both States ; and to endeavour to obtain a repeal of all laws and regulations of trade, injurious or inequitable to either State, or that in any way embarrass a free and open trade between them.

This good disposition, manifested on the part of that government, I am persuaded, will meet with your approbation; and at the same time induce you, in concert with them, to agree to, and carry into execution, such measures as shall be mutually beneficial to both States: and in all such measures I shall with the utmost readiness concur.

You will probably, gentlemen, think it suitable to appoint a Committee to confer with the Committee from *New Hampshire* on the subject of their mission.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 16, 1785.*

MONDAY, *June 20, 1785.*

A message on the subject of two Resolutions of Congress.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have received two packets, dated from the office of the Secretary of Congress, and signed *Charles Thomson*. That of the 31st of *May*, enclosed a Resolve of Congress passed *November.3, 1783*, directing the Paymaster General to deposit in the hands of Regimental Agents, the certificates for the arrears of pay due to the officers and soldiers of the respective lines of the late army, to be by them delivered to the individuals to whom they belong, or deposited for their benefit, as the Supreme Executive of their respective States shall direct. It also enclosed another Resolve of the 27th of *May*, requesting the Legislative of the respective States to which such Agents belong, to cause the services of the said Agents to be examined, and make them such allowance as they shall think them entitled to, and charge the same to the United States.

The other packet, dated the 9th instant, covered a Resolve, and recommendation of Congress to the several States, to make provision for the officers, soldiers and seamen, who have been disabled in the service of the United States, during the late war: and the manner of making that provision is very particularly described in the said Resolve.

To these several acts of Congress, gentlemen, you will give the due attention; and pass such orders or resolves on the subjects of them, as they shall respectively require.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 20, 1785.*

WEDNESDAY, *June 22, 1785.*

A message on the occasion of the birth of the Duke of Normandy.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have the pleasure of announcing to you an increase in the family of His Most Christian Majesty, by the birth of a Prince, who is styled the Duke of *Normandy*. It happened on the 27th of *March* last, as you will observe by a letter I have just received from the Honourable Mr. *Jay*, dated the 14th instant, from the office for foreign affairs.

As every event, which contributes to the happiness of so illustrious an Ally, must afford you very pleasurable sensations, it is with real satisfaction I give you the earliest information of it.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 22, 1785.*

SATURDAY, *June 25, 1785.*

A message concerning the fort at Machias.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By a letter I have received from Mr. *James Avery*, Collector of Excise at *Machias*, dated the 10th of *May* last, he informs me, that the Fort and Block House at that place, were built on land belonging to Mr. *Nathan Longfellow*; and that said *Longfellow* had begun to pull down the Block House: but on his forbidding him, he desisted. — In *July, 1783*, the General Court passed some Resolves relative to that fort, which afterwards were in part suspended. — As Mr. *Avery* wishes to be instructed on that head, you will please to let me know what instructions will be proper to be given him.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 25, 1785.*

TUESDAY, *June 28, 1785.*

A message relative to Dr. Samuel Stearns, a refugee.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

From one of the Delegates of this Commonwealth at Congress, the Hon. Dr. *Holten*, I have just received a

letter of the 16th instant, dated at *New York*. There was sent with it a petition to Congress, from *Samuel Stearns*, who calls himself a refugee, dated the 10th of *May* last, at *Worcester* goal, praying, that he and his sureties might be released from their confinement, and himself no longer deprived of the liberties granted by the articles of the peace, to persons in his situation. — The petition, concerning which there had been no determination of Congress, was delivered to the *Massachusetts* Delegates, who thought it adviseable, that it should be laid before the General Court. It is therefore, Gentlemen, now communicated to you, together with the doctor's letter, for your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 28, 1785.*

WEDNESDAY, *June 29, 1785.*

A message respecting Mr. Imlay's resignation as Commissioner for settling accounts with this Commonwealth.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Mr. *Imlay* having resigned his office as Commissioner for settling the accounts of this Commonwealth against the United States, has it not in his power to comply with your late resolve, requesting his attendance in *Boston*, for the purpose of expediting that settlement; as you will observe by his letter of the 23d instant, herewith communicated. — He has requested the Commissioners of the Treasury to appoint some person to succeed him in that business: in consequence of which it may be expected they will nominate a person for that purpose; but as it appears by a Resolve of Congress of the 20th of *February*, 1782, the nominated person is to be “approved of by the Executive, or the Delegates attending in Congress, of the State for which he shall be nominated, according as the Legislature of the State shall direct,” it will be needful for you, Gentlemen, to pass a Resolve expressive of your mind, relative to that matter.

JAMES BOWDOIN.

COUNCIL CHAMBER, *June 29, 1785.*

FRIDAY, *July 1, 1785.*

A message from the Governor to the two Houses, on the constitutionality of a Resolve of theirs, relating to the settlement of public accounts.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

As it must be your wish, that all the proceedings of the General Court, should be agreeable to Law and the Constitution, you will permit me to suggest to you my doubts, whether that be the case in regard to one of your Resolves lately passed. — The Resolve to which I refer, is that for the appointing a “Committee to receive, examine, and pass on, all accounts, that now are, or may hereafter be exhibited.” After this general commission several sorts of accounts are particularized, and among them such as relate to “the support of such indigent persons as are the proper charge of the State.”

You will please to consider, Gentlemen, whether there is not provision made by law, viz.: by an Act made in the year 1701, entitled “An act providing in case of sickness, that the charge incurred by the support of such persons shall be defrayed out of the public treasury, by warrant from the Governor with the advice and consent of the Council” Whether this does not imply, that the accounts of such charge shall be exhibited to the Governour and Council, for allowance and payment? and whether, as the warrant for that purpose, must be with the advice and consent of the Council, the Council have not a consequential right of enquiring into, and of judging, determining and passing upon, all such accounts, previous to the issuing of the warrant for payment: concerning which there can be no ground for advice and consent, unless those expressions imply such a right?

With respect to the Constitution, I beg your attention, Gentlemen, to the following clauses of it. — “Full power and authority are hereby given and granted to the said General Court, from time to time — to impose and levy proportional and reasonable assessments, rates, and taxes, upon the inhabitants of, and persons resident, and estates lying, within the said Commonwealth; and also to impose, and levy, reasonable duties and excises upon any produce, goods, &c. within the same: to be issued and

disposed of by warrant under the hand of the Governor of this Commonwealth for the time being, with the advice and consent of the Council, for the publick service, &c. according to such acts as are or shall be in force within the same." There is also another clause of the Constitution to the same effect. Here the two departments of government, concerned in the present question, have their separate and distinct business, as relative to this matter, assigned to them respectively. The legislative is to raise money in the several ways mentioned; and the executive is to dispose of it for the public service, according to such acts as are or shall be in force.

This assignment or appropriation of business to each department, is not only the result of those clauses of the Constitution, but is deducible from another clause of it, in the last article of the declaration of rights; by which it is declared, that, "in the government of this Commonwealth, the legislative department shall never exercise the executive and judicial powers, or either of them."

In all those clauses, there is a clear distinction held forth, and a separation made between the powers of the two departments. Those of one are not to be intermixed or militate with those of the other: but each is to exercise its own powers, and its own only. As therefore, the Resolve aforesaid is wholly of an executive nature, having relation only to the examination and settlement of the public accounts, and as business of that nature falls within the executive department, it is apprehended the resolve does not comport either with the spirit or letter of the Constitution.

This apprehension of it, seems to have been entertained by the Honorable House, who, though they finally concurred with their Honors of the Senate, did at first pass a vote of non-concurrence. And the same apprehension in reference to a similar resolve, which was passed the 4th of *November*, 1780, at the first session after the commencement of the present Constitution, did in fact prevail in the legislature at that time. This is clearly manifest by the proviso in that resolve, which concludes with these words, "Provided always, that nothing in the foregoing method of examining, allowing and paying accounts, shall be considered as a precedent for the future, but to have been adopted merely from the necessity of the present times."

The foregoing observations intimate some of the reasons that induce me to think it my duty to withhold my approbation of the Resolve, which, by the hand of the Secretary, I now return to your Honors for your re-consideration; not doubting you will receive them with the same candour with which they were written.

JAMES BOWDOIN.

COUNCIL CHAMBER, *July 1, 1785.*

SATURDAY, *July 2, 1785.*

A message from the Governor, respecting the proceedings of the Legislature of the State of New Hampshire, that they had passed a Navigation Act, &c.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

This minute has been handed to me a letter dated the 29th of *June*, from his Excellency Mr. *Langdon*, the President of the State of *New Hampshire*; enclosing the proceedings of the Legislature of that State, upon the report of a Committee, who were lately here, and had a conference with a Committee of yours, on matters of commerce.

In consequence of it, they have passed a Navigation Act, and an Act vesting Congress with power to regulate trade for a limited time; and also a Resolve, suspending the operation of their Impost Act, so far as it respects the citizens of this State: with this provi-o however, that the Legislature of this State, in their present session, shall repeal our Impost Act, so far as it respects the citizens of that State.

These Acts, and the Resolve, together with the letter, are herewith laid before you, for your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *July 2, 1785.*

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY THE 25TH DAY OF MAY, ANNO DOMINI, 1785; AND FROM THENCE CONTINUED, BY ADJOURNMENT, TO WEDNESDAY THE 19TH DAY OF OCTOBER FOLLOWING.

1785. — OCTOBER SESSION.

Chapter 1.

RESOLVE ON THE PETITION OF FRANCIS BRIDGE, LIBERATING HIM FROM THE GOAL IN WORCESTER, AND EMPOWERING CALEB AMMIDOWN TO SETTLE WITH HIM FOR HIS EXCISE. *Chap. 1*

On the petition of Francis Bridge, praying to be liberated from his present confinement in Worcester goal, for reasons set forth in his petition:

Resolved, That Caleb Ammidown, Collector of Excise and Impost for the county of Worcester, be, and he is, hereby empowered to settle with the said Francis Bridge for his excise, and credit him in said settlement for the amount of the excise on all such articles as he may have exported out of the Commonwealth, on his producing proper certificates therefor; and on the said Bridge's paying to said Ammidown the balance due to the Commonwealth for excise, and also paying the costs of prosecution and commitment, it is further *Resolved*, that he be discharged.

October 20, 1785.

Chapter 2.

A MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY. *Chap. 2*

Mr. SPEAKER,

His Excellency the Governor is now in the Senate Chamber, and requests the attendance of the honorable House.

Mr. Speaker, and the House, went into the Senate Chamber, and his Excellency the Governor then made the following Speech to the two branches of the Legislature.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*.

Before I offer any new business for your consideration, it is proper you should be informed what has been done in regard to divers matters, which have already been the subjects of your Acts and Resolutions. Accordingly I would inform you, That another Commissioner is authorized to settle accounts between the United States and this Commonwealth, and will probably be here in a few days to enter upon the duties of his office. It may be expected therefore, that *that* business will be brought to an issue as soon as it can be: and this expectation is supported by a letter from the Secretary of Congress, who writes me, that from the progress made in settling the accounts between the United States, and individual States, and private creditors within the same, and from the measures taken to hasten and facilitate the progress of such settlement, there is reason to hope, this great work will soon be completed.

With regard to the line of jurisdiction between this Commonwealth, and the State of *New York*, so far as it respects the Eastern boundary of the latter, our Delegates, to whom as well as to Governor *Clinton*, I sent an authenticated copy of the Act of the General Court empowering Commissioners to settle that line, write me, that the Delegates of the two States had met on that business, but had not then been able to agree on suitable persons as Commissioners; which makes it probable, that Congress will have the appointment of the Commissioners, pursuant to the mutual Acts of the States, without any such previous agreement.

With respect to the conduct of *New York*, relative to the Western Territory claimed by this State, I wrote, agreeably to your request, to Governor *Clinton*, and to our Delegates, concerning it. A conference between them was had upon the subject. The substance of it you will find represented in a letter from our Delegates: in agreement with which, Governor *Clinton* informs me, that according to the duties of his office he shall not fail to lay my letter and the concurrent Resolutions of the

Senate and Assembly, before the Legislature of *New York*, at their next meeting; and that the earliest opportunity will be embraced of communicating whatever they may direct on the subject.

In compliance with your request, Gentlemen, expressed in several Resolutions the last session, I transmitted to the several States in the Union, a copy of the Act you then passed for regulating Navigation and Commerce. It was accompanied with a circular letter of mine to the Governors of those States respectively: in which letter, among other things, it is represented, that it is much to be desired, that Congress may be vested with a well guarded power to regulate the trade of the United States; which being effected, our Act will cease to operate: that in the mean time we have a full confidence, that the mutual friendship of the several States towards each other, and their sentiments of honor and justice, will be a sufficient pledge, that when measures wisely calculated to defeat the unjust designs of any foreign power against the trade, or general interest of the United States, are taken by any individual State, they will be adopted by all; so that no one State may be left to suffer essentially in its own trade by its laudable zeal and exertions for the common safety. To this letter the Governors of several States have replied, that they will lay it before their respective Legislatures at their next meeting. With respect to the Legislature of the State of *New Hampshire*, I have the pleasure to inform you, that with a generosity and magnanimity becoming one of the United States, and which I am persuaded the rest will not be backward to manifest, they early passed an Act correspondent to ours for regulating Navigation and Commerce. Such correspondent Acts, adopted by all the States, would be productive of happy effects, until Congress should ordain regulations for the general commerce of the confederated body.

In regard to the enlargement of the powers of Congress, I signed and forwarded to our Delegates, agreeably to your request, the several letters you had prepared on that subject. They viewed it, and justly, as being of great consequence; and wishing their sentiments on it might be known to their Constituents, they have, from a sense of the duty they owe them, delayed taking any measures concerning it, until they shall receive your further instructions. The reasons of the delay, their

letters of the 18th of *August*, and 3d of *September*, will inform you.—This being a matter of a great importance, will require your attentive consideration.

There are divers other things, that have been the subject of the Acts and Resolutions of the General Court; and the state of them, will be communicated to you by message.

I shall now lay before you several matters, which you will probably think require your immediate attention.

By a letter I have received from Mr. Secretary *Thomson*, of the 24th of *August*, it appears, that it is become necessary and essential to the harmony of the Union, that Congress should be furnished with the means of settling the proportion, to be borne by each State, of the general expences, that have been, or may be, incurred for the common defence and general welfare. And I am requested to bring this subject again under the view of the Legislature of this State, and earnestly to recommend to them, as they have adopted the new rule of apportionment, to take speedy and effectual measures for numbering the inhabitants of this State, and make a return thereof to Congress. As by that letter it seems probable, that the new rule will be adopted by all the States, I do, in compliance with the request, earnestly recommend to you, Gentlemen, to take speedy and effectual measures for the said purpose. On a former requisition of Congress, an Act was passed the last year upon the principles of the rule mentioned in the eighth article of the Confederation; by which Act, the number of the inhabitants in the Commonwealth, was ordered to be taken pursuant to that requisition, and returned by a certain day into the Secretary's office. Accordingly a great number of towns, but not the whole, have made return. Perhaps the carrying that Act into full execution relative to the number of our inhabitants, will answer the intention of the new requisition.

With the said letter were enclosed several Resolutions of Congress, and particularly one of *April* 18th, 1783, to which a further attention is intimated to be necessary, for the purpose of establishing permanent and adequate funds, which shall operate generally, and in just proportion towards doing complete justice to the public creditors, and for restoring public credit: and it is observed in the letter, that every day's delay increases the embarrassments of the Union.

By a Resolution of Congress of the 27th of *September*, you will observe, Gentlemen, that for the service of the present year, and for the payment of one year's interest on the Foreign and Domestic Debt, and other purposes, it will be necessary, that *Three million dollars*, in addition to *Six hundred forty-nine thousand eight hundred and eighty dollars*, be paid into the common treasury, on or before the first day of *May* next. These two sums are the whole amount of the present year's estimate; from which the latter sum is deducted by reason that so much of the Dutch loan was applied towards a discharge of the last year's estimate, and which the sums required from the States last year will replace: a compliance with that requisition being relied on by Congress to discharge, or make good, the said deduction. Our quota of the *Three millions* is set at *Four hundred forty-eight thousand eight hundred and fifty-four dollars*; for the seasonable payment of which, it is incumbent on you, Gentlemen, to make the necessary provision.

As a motive for the cheerful payment of the sum now called for, as well as of past arrearages, the States are reminded, that Congress have passed an Ordinance for the survey and sale of the Western Territory of the United States; and that the proceeds thereof will be applied as a Sinking Fund to extinguish the Domestic Debt. Future requisitions for interest on the Domestic Debt, will therefore be reduced in proportion as this Fund may be rendered productive.

Your attention, Gentlemen, is also called to the state of our own particular Debt, and to ways and means of discharging it. The total amount of it, by the Treasurer's account is, *One million four hundred sixty-eight thousand five hundred fifty-four pounds, seven shillings and five pence*, and the annual interest of it is *Eighty-eight thousand one hundred and twelve pounds, thirteen shillings and three pence*. The means of discharging the debt are, the product of the Impost and Excise, which from *June, 1784*, to *June, 1785*, was *Fifty-seven thousand three hundred and fifty-three pounds, thirteen shillings and eight-pence*; and the one per cent. on the business of Auctioncers, which for the same time was *Eleven hundred seventy-three pounds, eleven shillings and six pence*. These products, with that of the new Impost and Excise, may be estimated equal to the interest of the Debt: in which case,

whatever sum you think proper should be annually raised by tax, or in any other way, will, after deducting the common charges of Government, discharge so much of the principal of it. — By my direction, the Treasurer has formed a Plan and Calculation for the gradual payment of the whole Debt. According to that Plan, an annual Tax of *One hundred thousand pounds*, with the aforesaid revenue, as above stated, will cancel the whole Debt, both interest and principal, in fifteen years; and at the same time pay the ordinary charges of Government. Such a tax, with the annual requisitions of Congress for our proportion of the National Debt, will not be distressing to the State, especially as in the future requisitions there probably will be provided certain facilities of payment, in like manner as there are in the present requisition.

Punctuality in the payment of taxes is so essential to public credit, that the existence of the latter depends upon it. To insure it, I would recommend to your consideration whether, in future Tax Acts, it should not be provided, that in every town, on each person's tax, not paid by a given day, interest should be required from that day to the time of payment. This requisition would be a stimulus to punctuality, which would be further excited by an allowance of five per cent. for prompt payment. Such a charge of interest is due to the Commonwealth at large, and justice demands it, with regard to those towns and individuals, who have been, and are, punctual in paying their taxes.

There is a large sum now due for past taxes, the greater part of which is appropriated for the redemption of New Emission Bills, and of State Notes payable in 1784. When these taxes are all paid, there will remain, after making an allowance for those appropriations, a considerable balance, perhaps about *Eighty thousand pounds*, subject to your appropriation. The honour and faith of the Government being plighted for that redemption, the reminding you of it, I am persuaded, will procure effectual measures to be taken for the payment of those taxes.

On the present year are laid several taxes, amounting to a large sum. They are appropriated for the payment of such a part of the Consolidated Notes as becomes due the present year; and for the redemption of the remaining army Notes, including such of them as will be payable the next year.

These several Notes, exclusive of the interest due on them, amount in the whole to *Two hundred seventeen thousand two hundred and fifty-eight pounds, thirteen shillings and six pence*, and are included in the total aggregate of Debt abovementioned.

If you should think this sum, with the present requisition of Congress, too large to be raised the present year, and the taxes laid on the several succeeding years for redeeming the other Consolidated Notes, too large for those years, especially when connected with the annual requisition of Congress, you may possibly think it needful to take a minute view of the state of our whole Debt, and the taxes now laid on the present and future years for cancelling it, and adopt the abovementioned, or some other, Plan for that purpose. But in that case, Gentlemen, I imagine you will think it necessary, in order to maintain the plighted faith of the Government, to procure the consent of the Government Creditors, previous to the adoption of such a Plan. I cannot apprehend there will be any difficulty in obtaining their consent, as the provision, made by the Acts of Impost and Excise, will, probably, be sufficient to enable the Treasurer to pay the annual interest of the Debt punctually at the time it shall become due, until the whole debt be extinguished.

In considering the means of cancelling the Public Debt, it will occur to you, that the unappropriated lands belonging to the State may be applied to that purpose: But as the sale of them, the time and manner of payment, and the productiveness of the sale, must be very uncertain, they should not, in my idea of the Plan, be considered as one of the means, on which the executing of it should depend. If the sale however, should be productive, the product may be applied, from time to time, towards the lessening of the Debt, and hastening the discharge of it. Such a Plan, well laid, and punctually executed, would, not only extricate us from the embarrassments of a heavy Debt, but restore the public credit: on which the honor and welfare of the Commonwealth so essentially depend.

A much speedier method, than the one above proposed, for annihilating the Public Debt, would be, to permit the present Tax Laws to operate. In which case, the whole Debt, both interest and principal, might be paid in three years, or by the end of the year 1788; beyond which no

taxes are laid. But of the practicability of it, you are, not only the constitutional, but in fact, the best judges.

The state of the Militia, which is the constitutional and the safest defence of the Commonwealth, merits your consideration.

In the several Brigades, the Regiments are, in a considerable degree, destitute of Officers, occasioned by the resignation of their Commissions. Many of them, by virtue of their Commissions, having obtained rank, and an exemption from the common Militia duty, have very early, for reasons, without doubt satisfactory to themselves, resigned their Commissions; and this practice will probably be continued, unless some effectual measures be taken to prevent it. As the Militia Act needs some amendments, a clause in a Supplementary Act making the rank and privileges of Officers, as such, depend on their holding, for a given time, and with reputation, their respective Commissions, might go far to remedy the evil; which unhappily has been so long prevalent.

You will also please to recollect, that each of the four divisions of the Militia is to have a Major General, whom the Act makes a very essential Officer to the well ordering of the Militia. As there are but three Major Generals commissioned, and two of them in the same division, you will think it needful to elect a fourth, and assign, to each of the other, his respective division. — Permit me to urge a speedy attention to this business.

There is another matter, Gentlemen, essentially important to the well being of the Commonwealth, which claims your most serious attention; and which, by the unanimous advice of the Council, I now lay before you. — It refers to a design against the Commonwealth, of very evil tendency, being calculated for the purpose of effecting the dismemberment of it. That design has been for some months evident by a great number of publications in the *Falmouth Gazette*; calling upon the people of the Counties of *York*, *Cumberland* and *Lincoln*, to assemble together for the purpose of separating themselves from the Government of this Commonwealth; and of withdrawing from the duty and allegiance they owe to it. In consequence of those calls, about thirty persons, as I am informed, assembled on the fifth instant, at the meeting house in *Falmouth*, and voted to choose a Committee to draught a circular Letter to the several towns and plantations in those three coun-

ties, requesting them to meet in Convention, by their Delegates, on the first Wednesday of *January* next, to consider the expediency of the said counties being formed into a separate State.

The duty I owe to the Commonwealth in general, and to the people of those Counties in particular, indispensibly obliges me to lay this matter before you, that you may take such measures concerning it, as your regard for the collective body of the Commonwealth, shall dictate.

What I have further to communicate to you, Gentlemen, will be by way of message. The letters and papers, referring to the communications now made, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 20, 1785.*

Chapter 3.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY. *Chap. 3*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Soon after the late session of the General Court, I received a letter from the Collector of Impost and Excise for the county of *Suffolk*, relative to the Act passed in that session, for laying additional duties of Impost and Excise. In the letter he mentions, that he cannot comprehend the meaning of some parts of that Act, and knows not how to carry into effect other parts of it: and states a few of the difficulties he expected to find, and which he informs me he has in fact found in executing it.

That letter, which will be delivered to you by the Secretary, will point out what those difficulties are.

As one intention of the Act was to encourage our own manufactures, by making such a distinction in the duties upon them, and upon foreign manufactures, as to give, in regard to price, a clear preference of the former; you will please to consider, in revising the Act, whether that intention be in fact answered with respect to some of them. I would particularly instance in the manufacture of Loaf Sugar: which at a time when we were under the dominion of *Great Britain*, was for a while very profitably carried on here: but by the *British* parliament giving a large

bounty on the exportation of it from thence, and this with a view of putting a stop to our manufacturing it, it was imported here so cheap, as effectually to answer that purpose. The bounty, as I am informed, being still continued, the duties on each of those manufactures, and on foreign in general, should be so regulated, as to give a decided preference in favour of our own : and a like attention should be also had in reference to all our manufactures.

I would recommend, gentlemen, a revision of all the acts of Impost and Excise ; and that these different duties, should be laid by different acts. The Impost to be confined to one act, and the Excise to another : part of the difficulty and imprecision of those acts having arisen from blending them together. - If you should think proper to direct the Naval Officer, and the Excise Officer of the County of *Suffolk*, to prepare such acts for the consideration of a Committee of the General Court, it might serve to expedite this business ; and give the Court the advantage of the experience of those officers in the operation of those acts.

With respect to the Act for regulating Navigation and Commerce, passed at the last session of the General Court, the Consul of *France* has delivered to me a memorial on the subject and operation of it, which at his request, I now lay before you for your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 22, 1785.*

Chapter 4.

Chap. 4 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By the last Saturday post, I received a letter dated the 10th instant, from the Commissioners of the Treasury of the United States, enclosing not only the requisition of Congress for the services of the present year, which has already been communicated to you, but also divers accounts, and particularly a statement of the several requisitions of the 31st of *October 1781*, the 4th of *September* and 16th of *October 1782*, and 27th *September 1785* ; for the amount of all which this State is in that statement

made debtor, and is then credited for the sum we have paid to the first instant, and also for a part of those requisitions, the payment of which has been suspended by Congress: the balance remaining due from this State, including the requisition for the present year, being 931,615 dollars, and 66 ninetieths of a dollar.

By these accounts, and by that statement, it appears, there have been great deficiencies in the specie payments required: which the Commissioners say, have been supplied from year to year by anticipation, supported by the produce of foreign loans, which have hitherto been the prop of public credit.

But those funds being now wholly exhausted, the sole reliance of Congress is on the prompt and vigorous exertions of the several States, to answer the requisition

Their representation is very striking upon this occasion. They say, that no hope, no resource, is now left, but the contributions of the States: that our character abroad and our union at home must rest on this foundation: and that the federal faith, dignity, operations and existence, are suspended on the exertions of the several States, to collect the arrearages of former requisitions, and to comply with the present one.

In this situation of things, I need not use any arguments, Gentlemen, to induce you to take the most speedy and the most vigorous measures to comply with those several requisitions.

The letter, and accounts accompanying it, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 24, 1785.*

Chapter 5.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF PLYMPTON, EMPOWERING THE SAID SELECTMEN TO RECTIFY ANY MISTAKE IN A CERTAIN PAY ROLL FOR THE SIX MONTHS MEN.

Chap. 5

On the petition of the Selectmen of the town of Plympton, representing that by mistake one Isaiah Cushman was made up as a soldier in the six months service, in a pay roll by them returned; and as it appears to this Court that the said Cushman never performed the service, as set forth in said roll:

Resolved, That said Selectmen of *Plympton* be, and they are, hereby empowered and directed to rectify any mistake by them made in the pay roll by them returned for the six months men who went into the army in the year 1780, from the said town, by making a new and just return of said men: and the Treasurer of this Commonwealth is hereby directed to receive of said Selectmen the pay he has made them for the said *Isaiah Cushman*.

October 24, 1785.

Chapter 6.

Chap. 6 RESOLVE ON THE PETITION OF *ELIAKIM CUTLER*, DIRECTING HIM TO SERVE *STEPHEN WELLMAN* WITH A COPY OF HIS PETITION, AND ORDER OF COURT, TO SHEW CAUSE, &c.

On the petition of Eliakim Cutler, shewing, that he has been defaulted in two actions brought against him by Stephen Wellman, contrary to instruction, whereby he hath been a great sufferer, and praying relief:

Resolved, That the petitioner serve the said *Wellman* personally, with a copy of his petition, and this resolve, fourteen days before the fifth Wednesday of the present sitting of the General Court, or by leaving such a copy at his last and usual place of abode, that he may appear on the same Wednesday, and shew cause, if any he hath, why the prayer of the said petition should not be granted: and that the petitioner also serve *William Hunt, Esq;* with a like copy, in manner as aforesaid, and that execution on the suit last mentioned in said petition, be stayed in the mean time.

October 24, 1785.

Chapter 7.

Chap. 7 MESSAGE FROM HIS EXCELLENCY THE GOVERNOUR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By letters I have had from the Secretary of Congress, and by Acts of Congress which accompanied them, it appears, that the representation of the United States in Congress, has been for a long time extremely deficient. But the state of it shews, that the deficiency is not attributable to any want of attention, either on the part of this Government, or of its Delegates: altho' for a few days, according to that state, we were not duly represented.

As one of our Delegates, the Honorable Mr. *Holten*, has by his letter of the 7th instant, signified his intention to set out on his return hither, as soon as he conveniently can, after the first Monday in *November*; and another of them may return soon: it may be needful for you, Gentlemen, to satisfy yourselves, that this Commonwealth will not in that case remain unrepresented.

The letters and papers will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 25, 1785.*

Chapter 8.

RESOLVE GRANTING A TAX OF THREE HUNDRED POUNDS, TO BE ASSESSED ON THE INHABITANTS OF THE COUNTY OF PLYMOUTH, FOR USE OF THE SAID COUNTY. Chap. 8

Whereas it appears from the Treasurer's accounts for the county of Plymouth, that the monies granted and allowed by the Court of the General Sessions of the Peace for said county, from the first Tuesday of October, 1784, to the first Tuesday of October, 1785, were for such purposes and appropriations as the law empowered the said Court to provide for; and that the said accounts are right cast and well vouched:

Therefore *Resolved*, That the said accounts be allowed.

And whereas it appears, from an estimate from the Justices of the Court of the General Sessions of the Peace for the county aforesaid, that the sum of Three hundred pounds will be necessary for defraying the charges for one year next ensuing: Therefore,

Resolved, That there be, and hereby is granted a tax of *Three hundred pounds*, to be apportioned and assessed on the inhabitants of the said county, and the estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of this Commonwealth.

October 25, 1785.

Chapter 9.

RESOLVE CLEARING UP SOME DOUBTS IN A RESOLVE OF THE 7TH OF MARCH, 1782, RESPECTING ASSESSING AND OBLIGING DELINQUENTS TO PAY THEIR RESPECTIVE QUOTAS, TO HAVE THE LIKE REMEDY AGAINST SAID DELINQUENTS OF THEIR RESPECTIVE CLASSES, — ON A PETITION OF JACOB SHOREY. Chap. 9

Whereas some persons, pursuant to a resolve of the 7th of March, 1782, did procure a man or men, and had them

mustered as soldiers for their respective Classes, and some individuals of their said Classes, neglect to pay their due proportion towards the hire and charges of procuring the men as aforesaid; and doubts have arisen respecting assessing and obliging such delinquents to pay their respective quotas: Therefore

Resolved, That any person or persons who have procured a man or men as aforesaid, shall have the like remedy against delinquents of their respective Classes as aforesaid, to all intents and purposes, as is provided in the aforesaid Resolve of the seventh of *March*, 1782.

October 25, 1785.

Chapter 10.

Chap. 10 RESOLVE ON THE REPRESENTATION OF JAMES BANCROFT, ESQ; APPOINTING HIM A COMMITTEE TO PROCEED TO THE WAR OFFICE TO PROCURE EXTRACTS FROM THE PAY ROLLS FOR NINE MONTHS MEN, IN 1779, AND TO OBTAIN THE SAME, AND GRANTING TWENTY POUNDS, TO ENABLE HIM TO PROCEED ON THE BUSINESS.

On the representation of James Bancroft, Esq; with respect to the Two thousand men, ordered to be raised by the Resolve of the General Court of June the eighth, 1779.

Resolved, That James Bancroft, Esq; be a committee to proceed to the War Office, and procure such extracts from the pay rolls, for the nine months men raised in the year 1779, as are unpaid; and said committee is hereby authorized to obtain said pay rolls or extracts, on the best terms he can, and lay them before this Court, that justice may be done said men, as soon as may be.

And it is further Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to James Bancroft, Esq; the sum of *Twenty pounds*, to enable him to proceed on that business, he to be accountable for the same.

October 25, 1785.

Chapter 11.

Chap. 11 RESOLVE ON THE PETITION OF DANIEL CLAP, AGENT ON THE ESTATES OF JOHN AND DANIEL MURRAY, EMPOWERING THE JUDGE OF PROBATE FOR WORCESTER, TO CANCEL THE BOND AND NOTE MENTIONED, AND TO MAKE REASONABLE ALLOWANCE TO SAID CLAP.

On the petition of Daniel Clap, Agent on the estates of John Murray, Esq; and Daniel Murray, late of Rutland, in the county of Worcester, absentees:

Resolved, That the prayer of the said petition be so far granted, that the Judge of Probate for the county of *Worcester* be, and he hereby is, authorized and empowered, if he shall judge proper, to cancel the bond and note made by the said *Daniel Murray*, mentioned in the said petition, and to make a reasonable allowance to the said *Daniel Clap*, out of the money he shall receive of the same *Daniel*, for his trouble and expence as Agent on the said estates; provided the said Agent shall complete a settlement of the said estates agreeable to the rules prescribed by law.

October 25, 1785.

Chapter 12.

RESOLVE ON THE PETITIONS OF *JOHN ROWE, SAMUEL DASHWOOD*, AND OTHERS, REQUESTING THE GOVERNOUR TO SIGN AND FORWARD THE LETTER MENTIONED, TO THE DELEGATES FROM THIS COMMONWEALTH AT CONGRESS.

Chap. 12

COMMONWEALTH OF *Massachusetts*.

To the Delegates of this State in Congress.

GENTLEMEN,

The memorials presented to the Legislature of this Commonwealth, copies of which you have enclosed, with the papers that tend to support the facts stated in them, will suggest to your consideration a subject interesting to many individuals of this State.

As this subject must be considered and adjusted on national principles, and may properly come under the consideration of Congress, you will give it that attention it deserves, and conduct it in such manner as shall appear to you most for the interest of the public, and the individuals concerned.

It appears, that not only the property of the persons described in the enclosed papers, but that the property of several other individuals, citizens of this State, was, during the late war, taken from them, under similar circumstances; taken by virtue of the orders of the British Commanders in chief in *America*, not as the property of enemies, forfeited to the captors by the laws of war; but as the property of persons under their protection, which was taken under the idea that the former ownership continued, and a great part of which, was expressly engaged to be restored by those Commanders: whence a just debt

of a private nature, a just right and claim, accrued to each of those individuals to demand and have an equivalent. — And though the operations of law, and the means of recovering those debts, were suspended during the war, as a consequence of it; yet the British Government ought not, by a Legislative act, to have created, or now to continue legal impediments to the recovery of them; at least, it is according to the modern laws and usages of nations, right and just, that the Legislature of that Kingdom should now remove those impediments, by repealing the latter clause in the act of parliament, a copy of which is enclosed, or make other provision for doing justice in this case. — Considering the peculiar circumstances of this subject, the spirit and real intention of that clause, the times and general purposes that produced it, the Legislature of this Commonwealth is induced to believe, that, if Congress should instruct their Minister at the Court of *London*, to move this subject, properly digested, to that Court, the Government of that nation will so far reconsider their former doings on it, as to remove those impediments, or make some other provision, whereby right and justice shall be done to the parties and individuals more immediately concerned.

Resolved, That his Excellency the Governor, be, and he is, hereby requested, in behalf of the Legislature, to sign the foregoing letter, and transmit it, with the papers accompanying it, to the Delegates of this Commonwealth in Congress.

October 25, 1785.

Chapter 13.

Chap. 13 RESOLVE ON THE PETITION OF *OLIVER WITT*, DIRECTING THE TREASURER TO RECEIVE CERTAIN SECURITIES PAYABLE IN THE LAST TAX, IN DISCHARGE OF A BOND FOR THE APPEARANCE OF *SAMUEL STEARNS*.

On the petition of Oliver Witt, setting forth, that he has given a bond, with two sureties, for the payment of the sum of Two hundred and ninety-four pounds eight shillings, into the treasury of this Commonwealth, in consequence of a judgment obtained against him, as a surety for the appearance of Samuel Stearns, who absconded, and praying that he may have liberty to pay the same in public securities:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, directed to receive of *Oliver Witt*,

the sum of *Two hundred and ninety-four pounds, eight shillings*, in those securities of this Commonwealth, which are payable in the last State Tax, in full discharge of the above said bond.

October 27, 1785.

Chapter 14.

RESOLVE DIRECTING THE TREASURER TO SUSPEND ISSUING HIS EXECUTIONS AGAINST THE TOWN OF *SHERBURNE*, IN THE ISLAND OF *NANTUCKET*, UNTIL FURTHER ORDER. *Chap. 14*

Resolved, That the Treasurer be, and he hereby is, directed to suspend issuing his executions against the town of *Sherburne*, in the island of *Nantucket*, for those taxes which have been, and which shall be, assessed on that town by the Legislature, till the further order of the General Court.

October 27, 1785.

Chapter 15.

RESOLVE ON THE PETITION OF *EZRA TILTON*, COLLECTOR FOR THE TOWN OF *CHILMARK*, FOR 1776, DIRECTING THE TREASURER TO CREDIT HIM WITH THE SUM MENTIONED, AND THE ASSESSORS ARE AUTHORIZED TO MAKE OUT NEW LISTS OF THE STATE TAX FOR THAT YEAR, AND THE TREASURER TO ISSUE NEW WARRANTS. *Chap. 15*

On the petition of Ezra Tilton, Collector for the town of Chilmark, for the year 1776, setting forth, that in the month of June, 1782, he was forced by the enemy to deliver up his rate lists, warrants, and One hundred and fifty pounds in money, which he had collected thereon, and praying that he may be discharged from said tax:

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth be, and he is hereby directed, to credit the said *Ezra Tilton*, the sum of *One hundred and fifty pounds*, in old Continental money, which was taken from him by the enemy. And the Assessors of the said town of *Chilmark*, for the time being, are hereby authorized and directed to make out new lists of the State Tax, agreeably to the originals for the year one thousand seven hundred and seventy-six, in the Assessors books, bearing even date with said originals, and commit them unto the said *Ezra Tilton*; and also that the said Assessors make out new lists of the State Tax, agreeably to the originals in the Assessors

books, for the year one thousand seven hundred and seventy-seven, and commit them unto *Elijah Smith*, Collector of said town of *Chilmark*, for the year one thousand seven hundred and seventy-seven. And the said Assessors are hereby directed, previous to the delivery of said lists to said Collectors, to collect all the evidence they can of said Collectors, and others, who did pay on the former lists, and to credit the same; and the said Collectors are hereby empowered and directed to go on and collect of those who did not pay on their former lists, what remains due, according to law. And the Treasurer is hereby directed to send out new warrants to the aforesaid Collectors, agreeably to the returns that shall be made into the office.

October 28, 1785.

Chapter 16.

Chap. 16 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I received yesterday two packets by the post from *New York*. One of them from the Minister for Foreign Affairs, giving information, that the Algerines had declared war against the United States.

As this event must greatly affect the Commerce of the United States in general, and of this State in particular; it is a natural presumption, that Congress will make it the subject of their speedy and attentive deliberation; and that the several States, and this among the rest, will very soon hear from them in regard to it. In the mean time, you will without doubt think it proper, that this intelligence, and the letter upon which it is founded, should be published in the newspapers, for the information, particularly, of those who are in the mercantile line.

The other packet, dated the 18th instant, at *New York*, is from *Nathaniel Sackett*, Esq; accompanied with a printed copy of a memorial presented by him to Congress, proposing the settlement of a new State, whose boundaries are described in the memorials. He represents it as essentially necessary to establish a new State in the situation proposed, in order that it may be a barrier against the British settlements in that neighbourhood, which are

carrying on with great rapidity. — *Mr. Sackett* thinks such an establishment of great importance to the United States, and that the memorial should pervade every State in the Union to bring it forward. The memorial, with divers letters and newspaper accounts printed with it, are now laid before you for your consideration.

I have a few lines from our Delegates, enclosing a Resolve of Congress of the 12th instant, which will be delivered to you by the Secretary, for your information.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 27, 1785.*

Chapter 17.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF GRAFTON, GRANTING FIVE POUNDS TWELVE SHILLINGS FOR THE SUPPORT OF SUSANNAH JOHNS, TO THE 20TH OF OCTOBER INSTANT.

Chap. 17

On the petition of the Selectmen of the town of Grafton, praying for allowance for their supporting Susannah Johns, an Indian woman:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to the Selectmen of *Grafton*, *Five pounds, twelve shillings*, in full for their supporting the said *Susannah Johns* from the first day of *July* last, to the twentieth day of *October* instant.

And it is further Resolved, That the Selectmen of *Grafton* are hereby directed to continue to support the said *Susannah Johns*, and lay their account before the General Court for allowance and payment. *October 27, 1785.*

Chapter 18.

RESOLVE GRANTING RICHARD DEVENS, ESQ; ONE THOUSAND SIX HUNDRED POUNDS, TO SUPPLY LIGHT HOUSES WITH OIL.

Chap. 18

Resolved, That there be allowed and paid out of the public treasury, to *Richard Devens, Esq*; Commissary General, the sum of *Sixteen hundred pounds*, out of the monies arising from the several light houses within this Commonwealth, to enable him to supply the said light houses with oil, he to be accountable for the expenditure of the same. *October 27, 1785.*

Chapter 19.

- Chap. 19** RESOLVE GRANTING *RICHARD DEVENS, ESQ; ONE THOUSAND NINE HUNDRED POUNDS, TO SUPPLY THE GARRISON AT THE CASTLE WITH RATIONS, &c.*

On the memorial of the Commissary General, representing that it is necessary he should be supplied with money for the purpose of supplying the garrison at the Castle with rations, wood, cloathing, &c. and to pay the guard at the Powder Magazine, the hire of the sloop in which the Commissioners went to the eastward, and for the cloathing, rations and other necessaries for the prisoners ordered to be confined on the Castle :

*Resolved, That there be allowed and paid out of the public treasury, to Richard Devens, Esq; Commissary General, the sum of Nineteen hundred pounds, to be applied for the said purposes, he to be accountable for the expen-
diture of the same.*

October 27, 1785.

Chapter 20.

- Chap. 20** RESOLVE ON THE PETITION OF *SAMUEL ENDICOTT, OF DANVERS, IN ESSEX COUNTY, AUTHORIZING HIM TO ENTER HIS APPEAL AT THE SUPREME JUDICIAL COURT, TO BE HOLDEN AT SALEM, NOVEMBER, 1785.*

Whereas Samuel Endicott, of Danvers, in the county of Essex, hath represented to this Court, that at the Court of Common Pleas, holden at Salem, in said county of Essex, in July, 1782, one Timothy Patch, obtained a judgment of the same Court on a demurrer, against the said Samuel, on a note of hand for One hundred eighty-seven pounds, thirteen shillings and two pence, damages and costs of suit, from which judgment the said Samuel appealed to the then next Supreme Judicial Court, to be holden at Salem aforesaid, in November, 1782; but through illness and disorder, the said Samuel was prevented from entering his said appeal, and unable to instruct an attorney to that purpose; and by reason thereof, judgment was rendered against him at the said term of the same Court, on the complaint of the said Timothy, for One hundred and ninety pounds, seventeen shillings and ten pence damages, and Five pounds, five shillings and four pence costs of suit; and that he, the said Samuel, by reason of his said illness, hath wholly lost the benefit of a trial of the said action, and hath

petitioned this Court for relief in that behalf: and whereas the said Timothy hath been duly notified to appear and shew cause, and hath shewn no sufficient cause why the prayer of the said petition should not be granted; Therefore:

Resolved, That the said *Samuel Endicott* be, and he hereby is, authorized to enter his appeal from the said judgment of the said Court of Common Pleas in *July*, 1782, at the Supreme Judicial Court to be holden at *Salem* aforesaid, on the first Tuesday of *November*, 1785; and the Justices of the same Court are hereby authorized and empowered to hear and determine the same action, and to proceed therein in all respects as if the same action had been duly entered at the said Court in *November*, 1782; and if the said *Samuel* shall enter his appeal as aforesaid, of the action aforesaid, and shall not suffer a default therein, the said judgment of the Supreme Judicial Court, in *November*, 1782, shall become null and void, and be holden of no effect whatever; and no execution shall issue on the same judgment, until the said *Samuel* shall have failed to enter his appeal of the said action as aforesaid, or after entry shall have suffered a default therein.

October 28, 1785.

Chapter 21.

RESOLVE PENSIONING JOSIAH CONVERSE ONE THIRD PAY AS AN ENSIGN. *Chap. 21*

On the representation of John Lucas, Commissary of Pensioners, in behalf of Josiah Converse, Ensign in the third Massachusetts regiment:

Resolved, That the said *Josiah Converse* be entitled to one-third part of the pay of an Ensign, from the thirtieth day of *November*, 1782, until the future order of the General Court or Congress.

October 28, 1785.

Chapter 22.

RESOLVE ON THE PETITION OF JOHN ROBINS, A PRISONER IN CONCORD GOAL, DIRECTING HIS LIBERATION, ON CONDITION. *Chap. 22*

On the petition of John Robins, a prisoner in the goal at Concord, in the county of Middlesex, praying that he may be liberated from said goal:

Resolved, That the prayer of *John Robins* be so far granted, for reasons set forth in his petition, that the

keeper of the goal at *Concord* be, and he hereby is, empowered and directed forthwith to liberate and discharge the body of the said *John Robins* from his confinement, by virtue of an execution in favour of this Commonwealth, on condition the said *John Robins* pay the cost of commitment and prison charges. *October 28, 1785.*

Chapter 23.

Chap. 23 RESOLVE ON THE PETITION OF JOSHUA ROBERTS, GRANTING JOHN HILL, ESQ; ONE POUND FIFTEEN SHILLINGS AND NINE PENCE.

On the petition of Joshua Roberts, praying that he might be paid for Doctor Moses Carr's bill for attending his son Samuel Roberts, a soldier, whilst he lay sick in the year 1780 :

Resolved, That there be paid out of the public treasury of this Commonwealth, unto *John Hill, Esq;* One pound fifteen shillings and nine pence, in full of Doctor *Moses Carr's* bill against *Joshua Roberts*, for medicine and attendance on his son *Samuel.* *October 28, 1785.*

Chapter 24.

Chap. 24 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Two of the Agents of this Commonwealth, *viz.* — The Honorable *John Lowell* and *James Sullivan*, Esq's. appointed to support our claim against *New York*, to lands lying west of *Hudson's River*, have by their letter to me of the 24th instant, which I received yesterday, represented the present state of that affair, and have desired, that it may be communicated to the Legislature. Accordingly, Gentlemen, the said letter, with letters to them from our Delegates in Congress on the same subject, will be laid before you by the Secretary, that you may give instructions to our Agents in this business, for their future conduct.

The said Agents thought it needful to ascertain the true latitude of the north and south boundary lines of the old Colony of *Massachusetts*, and for that purpose employed Doctor *Williams*, the Professor of Mathematics and

Natural Philosophy at our University at *Cambridge*; and accordingly he has made some progress in that business; having had from the Secretary's office, a number of ancient plans and papers that relate to those lines. — Doctor *Williams*, by a letter I have lately had from him, represents that those and other important plans and papers relative to our boundary lines, are in a very worn and decayed state, and that unless they are immediately copied, and the copies authenticated, they will be wholly lost to the Government: to which the loss of them would be very detrimental in any future questions concerning those lines. He also observes, that it is needful that *Woodward's* and *Saffery's* station, on which all our lines with *Rhode Island* and *Connecticut* depend, should be ascertained in the manner, and for the reasons he has mentioned.

As I apprehend it necessary, that those plans and papers should be copied and authenticated, and that the said station should be ascertained, I would recommend, in case this should be your opinion, that Doctor *Williams* be requested to see this business speedily and faithfully executed.

JAMES BOWDOIN.

COUNCIL CHAMBER, *October 28, 1785.*

Chapter 25.

RESOLVE ON THE PETITION OF JOHN WAIT, EMPOWERING COMMISSIONERS OF SEWERS TO APPORTION AND ASSESS A TAX ON PROPRIETORS OF A GREAT-SWAMP, PARTLY IN WHATELY AND PARTLY IN DEERFIELD, IN THE COUNTY OF HAMPSHIRE.

Chap. 25

On the petition of John Wait, praying that Mess^{rs}. Ebenezer Hunt, Levi Shephard and Elijah Hunt, appointed by the Lieutenant Governor and the Council of the Commonwealth, on the eighteenth of March, 1785, to be Commissioners of Sewers for draining a certain Swamp, known by the name of the Great Swamp, lying partly in Whately and partly in Deerfield, in the county of Hampshire, may be authorized to assess the Proprietors of the said Swamp for the purpose aforesaid, and for the expences occasioned by what has already been done in that service:

Resolved, That the Commissioners aforesaid be, and they hereby are, authorized and empowered to apportion and assess upon the Proprietors of the aforesaid Swamp, a tax of Seventy-six pounds, fourteen shillings and six pence,

for the purpose of paying the arrears of the debt incurred in draining the said Swamp, by direction of Commissioners formerly appointed for that purpose, and also such further sum as the Commissioners first abovenamed shall think necessary to compleet the object of their commission, and pay the cost that have been or may be occasioned by reason of the service aforesaid.

November 1, 1785.

Chapter 26.

Chap. 26 RESOLVE ON THE MEMORIAL OF JONATHAN JACKSON, ESQ; DIRECTING THE TREASURER TO ISSUE NOTES TO HIM FOR THE LOSS OF SHIPS MONMOUTH AND VENGEANCE, AT PENOBSCOT.

On the memorial of Jonathan Jackson, Esq; praying permission to take out his notes from the Treasury of this Commonwealth, for the sums due to him on account of the ships Monmouth and Vengeance, lost in the expedition against Ponobscot, and for a sufficient warrant upon the Treasury for the sum of One hundred and thirty pounds, one shilling and nine pence, in lieu of an order drawn by the General Court's Committee, and that interest may be allowed thereon:

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, empowered and directed, in behalf of this Commonwealth, to give to the said *Jackson* a note bearing date the fifth day of *July*, A.D., 1779, in the form of the notes called Consolidated Notes, for such sum as was on that day due to him for the vessels aforesaid, taking proper receipts therefor.

And it is further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, the sum of *One hundred and forty-five pounds, thirteen shillings and nine pence*, to the said *Jackson*, due to him for his services and expences as a Delegate from this Commonwealth in Congress, as allowed and certified by the Committee on Accounts, by their draft on the Treasury, dated *October 22, 1783*, for the sum of *One hundred and thirty pounds, one shilling and nine pence*, in favour of said *Jackson*, which with interest thereon, amounts to the sum first mentioned; he, the said *Jackson*, discharging said order and draft of said committee.

November 2, 1785.

Chapter 27.

RESOLVE ON THE PETITION OF THE WIDOW AND HEIRS AT
LAW OF THE ESTATE OF *THOMAS HALL*, LATE OF *BILLER- Chap. 27*
ICA, EMPOWERING *EDWARD FARMER*, ESQ; TO SELL THE
PREMISES.

On the petition of the widow and heirs at law of the estate of Thomas Hall, late of Billerica, praying for liberty to sell the said widow's dower, and to purchase real estate that might be more advantageous to said petitioners:

Resolved, That *Edward Farmer*, Esq; be invested with full power to sell said premises, for the most they will fetch, and to give and execute a good and lawful deed or deeds of the same, and to lay out the proceeds in real estate, where it will best serve the interest of said widow and heirs of the said *Thomas Hall*, he, giving bonds to the Judge of Probate for the county of *Middlesex*, with sufficient sureties, for the faithful discharge of said trust, and that said estate shall revert back to the heirs of *Thomas Hall*, at the death of said widow, to be settled among said heirs agreeably to law.

November 2, 1785.

Chapter 28.

RESOLVE ON THE PETITION OF *ISSACHAR SNELL*, GRANTING
HIM *SIX POUNDS FIVE SHILLINGS AND FOUR PENCE*, IN A *Chap. 28*
CONSOLIDATED NOTE, BEING FOR VALUE OF CERTAIN PRIZES
IN THE LATE STATE LOTTERY.

On the petition of Issachar Snell, praying he may be paid the value of sundry prizes he drew in the first and second class of the late State Lottery:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, in a Consolidated Note, to *Issachar Snell*, the sum of *Six pounds, five shillings and four pence*, being the value of three prizes drawn in the first, and four in the second class of the late State Lottery, viz. — No. 16861, *ten dollars*; 16863, *fifty dollars*; 16866, *seventy-five dollars*, in the first class: and No. 4499, *fifty dollars*, and numbers 4502, 4503, 4504, *fifteen dollars* each, in the second class; provided the said *Snell* shall produce the above numbered tickets at the Treasurer's office.

November 3, 1785.

Chapter 29.

Chap. 29 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By the letter accompanying the last requisition of Congress, and by the urgent letter that followed it from the Treasury Board, you must be impressed with the idea of the great importance of complying with that requisition, and discharging the arrearages of former requisitions. On the same subject, I yesterday received a Resolution of Congress of the 12th of *October*, earnestly calling on the several States to compleet, without delay, the whole of their quotas of those requisitions.

The Resolution was attended with letters from the Secretary of Congress and the Board of Treasury, dated the fifteenth and twenty-fifth of *October*, again urging, with great importunity, a speedy compliance, for which the faith of the United States stands pledged, and on which their reputation and credit, not only with their own citizens, but with foreigners in general, and especially with those who have loaned to them large sums, do essentially depend.

These letters, with the other referred to, are so full on the same subject, that there can be no occasion to add any thing by way of motive to induce you, Gentlemen, to take the most speedy and effectual measures for a compleet fulfilment of those several requisitions.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 3*, 1785.

Chapter 30.

Chap. 30 RESOLVE ON HIS EXCELLENCY'S MESSAGE, ON THE SUBJECT OF REPRESENTATION IN CONGRESS, DIRECTING THE ATTENDANCE OF THREE OF THE GENTLEMEN ELECTED THIS YEAR, AND THEIR CONSTANT ATTENDANCE AS OFTEN AS THE BODY SHALL BE SITTING, AND RECOMMENDING TO THE GENTLEMEN TO AGREE WITH THEMSELVES WHO OF THEM SHALL NOW PROCEED TO CONGRESS.

Whereas it appeareth to this Court, that, for want of a compleet representation of the several States in Congress,

“the great interests of the Union have frequently been, and continue to be neglected or delayed:” And whereas, for remedying thereof, Congress have earnestly recommended to the several States, “that each State, at all times when Congress are sitting, be hereafter represented by Three Members at least:” Therefore

Resolved, That it is the mind and expectation of this Court, that three of the gentlemen, chosen Delegates to represent this State in Congress for the current year, do forthwith attend that service, and continue to give their constant attendance in Congress as often as that body shall be sitting, during the present year for which they are chosen. And it is hereby recommended to the several gentlemen who have been chosen Delegates for the current year, forthwith to agree among themselves which of them shall now proceed to Congress, so as with the member or members already there, to compleet the number of three as aforesaid.

And it is the further expectation of this Court, That no Delegate from this State, who shall have accepted his appointment and taken his seat in Congress for the current year, shall quit his seat and attendance there, unless in case of sickness or extreme necessity, until his year is expired, or until some other Delegate, from this State, shall arrive at Congress to take his place.

November 4, 1785.

Chapter 31.

RESOLVE ENTITLING CAPT. SILAS CLARKE TO ONE THIRD PAY, — IN CASE, &c.

Chap. 31

On the representation of John Lucas, Commissary of Pensioners, in favour of Capt. Silas Clark, who was wounded at the battle of Monmouth :

Resolved, That Captain *Silas Clark*, be, and he hereby is, entitled to receive an annual pension, equal to one third part of the pay of a Captain, to commence the first day of *January, 1781*, and continue till the further order of the General Court, or of Congress; provided the said *Clark*, previously to his receiving any part of said pension, or to his being entered on the pension list of this Commonwealth, shall return the commutation of his half pay to

the pay office of the United States, or such other office as shall be designated by the Congress of the United States, for that purpose; and shall produce to *John Lucas*, Commissary of Pensioners for this Commonwealth, or his successor in office, a certificate, signed by such officer as Congress has already appointed, or shall hereafter appoint to give the same, by which it shall appear that the said *Clark* has entirely relinquished his said commutation.

November 4, 1785.

Chapter 32.

Chap. 32 RESOLVE ON THE PETITION OF *DAVID LEONARD BARNES*, AGENT ON THE ESTATE OF *CHARLES CURTIS*, AN ABSENTEE, STRIKING OUT THE CLAIM OF *THOMAS AMORY* AND *ENOCH GREENLEAF*, FROM THE LIST OF CLAIMS ON SAID ESTATE.

On the petition of David Leonard Barnes, Agent on the estate of Charles Curtis, an absentee, whose estate appears to be insolvent:

Resolved, That the claim of *Thomas Amory* and *Enoch Greenleaf*, on the estate of the said *Curtis*, which has been allowed by the Commissioners, be struck out of the list of claims on said estate, the said *Greenleaf* (the surviving partner of said *Amory* and *Greenleaf*) having given his consent thereto: and the Judge of Probate for the county of *Plymouth*, is hereby authorized and empowered, to order distribution of said estate, as if the said claim had never been allowed by said Commissioners.

November 4, 1785.

Chapter 33.

Chap. 33 RESOLVE GRANTING THE SELECTMEN OF THE TOWN OF *DRACUT*, TWELVE POUNDS THIRTEEN SHILLINGS AND FOUR PENCE, FOR PROVIDING FOR *JOHN LLOYD'S* FAMILY.

Resolved, That there be allowed and paid out of the Public Treasury of this Commonwealth, to the Selectmen of the town of *Dracut*, *Twelve pounds, thirteen shillings and four pence*, in full of their account for providing for *John Lloyd* and family, who were poor and strangers, from the 29th of *January* to the 16th of *April*, 1785.

November 5, 1785.

Chapter 34.

RESOLVE REQUESTING HIS EXCELLENCY TO ASK THE LOAN Chap. 34
 OF SUCH A NUMBER OF BRASS FIELD PIECES, AS MAY BE
 REQUISITE FOR THE SEVERAL COMPANIES OF ARTILLERY
 FORMED IN THIS COMMONWEALTH, OF THE UNITED STATES
 IN CONGRESS ASSEMBLED.

Whereas there is not at present in the possession of this Commonwealth, a sufficient number of brass field pieces to endow the several Companies of Artillery to be raised within the same, according to law; and as there is a number of field pieces belonging to the United States, now lying in a useless situation in several towns in this Commonwealth:

Resolved, That his Excellency the Governor be, and he hereby is, requested to ask of the United States in Congress assembled, the loan of such a number of brass field pieces, as may be requisite for the several Companies of Artillery that now are, or hereafter may be formed, in this Commonwealth, to be returned in good order, whenever the said United States in Congress assembled, shall require the same.

November 5, 1785.

Chapter 35.

RESOLVE ON THE PETITION OF SAMUEL BROWN, ESQ; CON- Chap. 35
 FIRMING A DEED MENTIONED.

On the petition of Samuel Brown, Esq; praying confirmation of a deed, bearing date the 2d day of July, Anno Domini, one thousand seven hundred and fifty-four, made by the late Rev. Jonathan Edwards, deceased, granting to Samuel Brown, lately deceased, about twenty-two acres of land, lying in Stockbridge, which deed was not acknowledged by the said Jonathan in his life time:

Resolved, That the prayer of the petition be granted; that the said deed be, and the same is, hereby confirmed; and that the heirs and assigns of the said *Samuel Brown*, deceased, have and hold the tract of land therein described, in the same manner as they might or could have done, if the same deed had been acknowledged by the said *Jonathan Edwards* in his life time.

November 5, 1785.

Chapter 36.

- Chap. 36* RESOLVE ON THE PETITION OF JOSEPH AARON, AND OTHERS, INDIANS, OF GRAFTON, DIRECTING THE TRUSTEES TO LAY THEIR ACCOUNTS BEFORE THE GENERAL COURT FOR ALLOWANCE, AND DIRECTING NATHANIEL SHERMAN TO SERVE THE TRUSTEES WITH A COPY OF THE PETITION, AND RESOLVE THEREON.

On the petition of Joseph Aaron, and others, Indians, of Grafton, in the county of Worcester, praying for the payment of their interest of the money which arose from the sale of their lands, now in the hands of Edward Rawson, Willis Hall, and Stephen Mainard, Esquires, Trustees for said Indians:

Resolved, That the said Trustees be, and they are, hereby directed to lay their accounts, respecting said *Joseph* and others, before the General Court, on the second Wednesday of their next sitting, for examination; and that Capt. *Nathaniel Sherman*, of *Grafton* aforesaid, serve said Trustees with a copy of the petition, and the Court's order thereon, ten days at least before the next sitting of the General Court. *November 5, 1785.*

Chapter 37.

- Chap. 37* RESOLVE ON THE PETITION OF JONAS TEMPLE, EMPOWERING THE JUDGE OF PROBATE FOR WORCESTER COUNTY, TO AUTHORIZE THE LATE COMMISSIONERS ON THE ESTATE OF WILLIAM CRAWFORD, TO EXAMINE THE CLAIMS OF SAID PETITIONER.

On the petition of Jonas Temple, praying that the Judge of Probate for the county of Worcester, might be empowered to direct the Commissioners on the estate of William Crawford, late of Shrewsbury, an absentee, to receive, examine and allow the claims of the said petitioner, so far as they may appear just:

Resolved, That the Judge of Probate for the county of *Worcester*, be, and he is, empowered and directed to authorize the said Commissioners to receive and examine the claims of the said petitioner, on the said estate, in the same manner as if they had been timely presented therefor, and to allow them such further time for that purpose, as he shall judge necessary. *November 5, 1785.*

Chapter 38.

RESOLVE ON THE PETITION OF JOHN BOLKCOM AND DAVID BOLKCOM, AUTHORIZING THEM TO MAKE A GOOD WARRANTEE DEED OF THE ESTATE MENTIONED. Chap. 38

On the petition of John Bolkcom and David Bolkcom, executors of the last will and testament of Samuel Bolkcom, deceased, praying for permission to execute a deed of the estate of said deceased to one Edmund Carpenter, for reasons set forth in their petition:

Resolved, That the said *John Bolkcom* and *David Bolkcom*, in their capacity of executors as aforesaid, are hereby fully authorized and empowered to make and execute a good and sufficient warrantee deed or deeds of the real estate of the said *Samuel Bolkcom*, deceased, to the said *Edmund Carpenter*, they first giving bonds to the Judge of Probate for the county of *Worcester*, to appropriate the monies arising from the sale of said estate to such uses and purposes as by law are directed.

November 5, 1785.

Chapter 39.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR BY THE SECRETARY. Chap. 39

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have before me a bill, entitled, “An act making additional provision for the punishment of frauds and misdemeanours.” —

This bill makes provision, that all persons, now under sentence of confinement to hard labour, for the term of one year or more, in the house of correction, shall be removed to *Castle Island*, in the harbour of *Boston*, there to be employed during the residue of the term for which they are sentenced.

As the residue of the term, in many instances, may be very short, and the removal of the criminal, in that case, answer no valuable purpose to the Commonwealth, but, on the contrary, be attended with a considerable expence, especially when the removal is from a great distance; would it not be adviseable, Gentlemen, to add to that clause a proviso, that the residue of the term should be a

given number of months: such a number as you shall think proper?

By this bill, and by most of our criminal laws as they now stand, criminals of almost every species, and from every part of the Commonwealth, are adjudicable to hard labour at *Castle Island*. It may be expected, therefore, that in a short time there will be a great number of them sent thither; who being of the most flagitious and abandoned characters, will attempt any desperate measure to procure their liberty. The barrack there is the only place provided for their reception, and for keeping them secure in the night, and during the intervals of labour. Would it not be proper, Gentlemen, that the barrack should be palisadoed, and in other respects made sufficiently strong to prevent their escape: and at the same time so contrived, that they could not easily combine in any desperate attempt to effect it?

The first part of this message, Gentlemen, you will please to consider, not as an objection to the bill, grounded on a certain principle of the Constitution, but only as suggesting what may be thought a suitable limitation to the operation to one clause of it; and which you will adopt, or not, as you shall judge proper.

The latter part of it, concerning the barrack for criminals, I cannot but apprehend you will think, that it merits your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 5, 1785.*

Chapter 40.

Chap. 40 RESOLVE ON THE PETITION OF JOSHUA BRAGDON, AUTHORIZING HIM TO FILE THE COMPLAINT MENTIONED, AT THE SUPREME JUDICIAL COURT, NEXT TO BE HOLDEN AT BOSTON, AGAINST SAMUEL WILLARD, HE NOTIFYING SAID WILLARD THEREOF.

On the petition of Joshua Bragdon, praying for permission to enter and prosecute to effect, at the next Supreme Judicial Court to be holden at Boston, for the county of Suffolk, a complaint against Samuel Willard, of Sanford, in the county of York, husbandman, for not prosecuting an appeal by him, the said Samuel, claimed from a judgment recovered by the said Bragdon against the said Willard, by default, at the Court of Common Pleas, holden at York,

for the county of York, on the second Tuesday of October, 1784, for reasons in said petition set forth:

Resolved, That the said *Joshua Braydon* be, and he hereby is, authorized to file a complaint at the Supreme Judicial Court next to be holden at *Boston*, for the county of *Suffolk*, against the said *Samuel Willard*, for not prosecuting his said appeal at the last Supreme Judicial Court at *York*, for the county of *York*; and the said Supreme Judicial Court are hereby authbrized and empowered to render judgment upon said complaint, in the same manner as though the same had been entered and prosecuted at the last term of said Court's sitting for the county of *York*, provided that no more costs be taxed than would have been if judgment had been rendered at the said last term in the county of *York*; and execution shall issue accordingly, he, the said *Braydon*, producing the necessary copies, and causing the said *Willard* to be served with an attested copy of his petition and this Resolve, fourteen days prior to the last Tuesday of *February* next, and a due return of such service to be made by the Sheriff of the county of *York*, or his deputy.

November 7, 1785.

Chapter 41.

RESOLVE ON THE PETITION OF JOSEPH WILDER, EMPOWERING HIM TO ENTER HIS APPEAL IN THE ACTION MENTIONED, AT THE SUPREME JUDICIAL COURT TO BE HOLDEN AT WORCESTER, IN APRIL NEXT, HE NOTIFYING PETER WOODBURY AND AMMI FAULKNER.

Chap. 41

On the petition of Joseph Wilder, praying to be empowered to enter his appeal in an action against Peter Woodbury and Ammi Faulkner, in the county of Worcester, which he failed to enter from a misapprehension of the pleadings in the cause:

Resolved, That the said *Joseph Wilder*, be, and he hereby is, empowered to enter his appeal in the action aforesaid at the Supreme Judicial Court, to be holden at *Worcester*, in and for the county of *Worcester*, on the Tuesday next preceding the last Tuesday in *April* next; and the same being so entered, the said Court may proceed thereon in the same manner as if it had been entered at the Court appealed to, and continued to the Court in *April* aforesaid, excepting that the said *Joseph* shall recover no costs for the term appealed to; and provided that he cause the said

Peter and Ammi to be served with an attested copy of his said petition and this Resolve thereon, fourteen days at least previous to the said Tuesday next preceeding the last Tuesday in *April* next; and that if the said *Joseph* shall fail to enter his appeal as aforesaid, the said *Peter* and *Ammi* may enter their complaint for their costs in the said action, which the Court are hereby empowered to adjudge them.

November 7, 1785.

Chapter 42.

Chap. 42 RESOLVE ON THE PETITION OF *RACHEL AMOS AND JEMIMA SAWOMMOG*, INDIAN WOMEN, DIRECTING THE GUARDIANS TO THE *GAY HEAD INDIANS*, TO MAKE SALE OF THE LAND DESCRIBED.

On the petition of Rachel Amos and Jemima Sawommog, Indian women of Martha's Vineyard, praying for liberty to sell a tract of wild, unimproved land, lying in the town of Chilmark:

Resolved, That the prayer of the petitioner be so far granted, as that the guardians to the *Gay Head Indians*, make sale of the land described in the petition, at public vendue, or private sale, they giving timely and public notice of the sale, — and the money arising from the sale, to be appropriated to the use of the petitioners, at the discretion of said guardians.

November 7, 1785.

Chapter 43.

Chap. 43 RESOLVE CONFIRMING A GRANT OF LAND TO *ARTHUR LEE*, ESQ; OF SIX THOUSAND ACRES, LYING EASTWARD OF *SACO RIVER*, LAID OUT TO HIM BY ORDER OF THE GENERAL COURT, FOR SERVICES AS AGENT IN *GREAT BRITAIN*, IN 1775.

Whereas the General Court, on the 21st of September, in the year of our Lord, 1780, did make a grant to the Hon. Arthur Lee, Esq; of six thousand acres of the unappropriated land in this State, lying easterly of Saco River; and in consequence of an order of the said General Court, the same has been surveyed, and a plan thereof taken and returned to the Court aforesaid, bounded and described as followeth: — Beginning at a certain Birch Tree, standing on the west side line of No. 4, and on the lot No. 13, well marked; thence running north, fourteen degrees west, one

thousand one hundred and sixty rods to a Spruce Tree, a corner, trees being well marked about it; — thence running south seventy-six degrees west, one thousand and four rods to a Cedar Tree, a corner, standing on the easterly side line of a township, known by the name of Waterford, — trees being well marked about the said corner; thence running south twenty-five degrees east, one thousand one hundred and seventy-five rods to a large Pine Tree, a corner; thence north seventy-six degrees east, eighty-four rods to a pond; then continuing across the said pond, one hundred and sixty rods; then continuing the same course, five hundred and thirty-six rods, to the tree first mentioned:

Therefore Resolved, That the plan aforesaid be accepted, and the lands therein delineated and described, be, and they are, hereby confirmed to the abovesaid *Arthur Lee*, Esq; and to his heirs and assigns forever.

November 8, 1785.

Chapter 44.

RESOLVE ON THE PETITION OF *JOHN HILDRETH*, LIBERATING HIM FROM GOAL, IN THE COUNTY OF *SUFFOLK*, ON CERTAIN CONDITION.

Chap. 44

On the petition of John Hildreth, now committed to the common goal for the county of Suffolk, on two judgments in favour of the Commonwealth, in the whole amounting to One hundred and fourteen pounds, nine shillings and four pence, — declaring that he hath not now any property to satisfy the same, and praying to be released from his imprisonment, &c.

Resolved, That on the said *Hildreth's* making and signing his promissory note to *Thomas Ivers*, Esq; Treasurer, and his successors in office, for the sum of *One hundred and fifteen pounds and four pence*, being the contents of said judgment, and costs of executions thereon and commitment, payable on demand, with interest till paid, and delivering the same to the keeper of the said goal, and paying prison charges, he be liberated from his imprisonment on the aforesaid judgments; and the said keeper of the goal is hereby directed to deliver the said note to the Treasurer, and file an attested copy of this Resolve in the Clerk's office, with the executions by virtue of which the said *Hildreth* was committed.

November 8, 1785.

Chapter 45.

- Chap. 45* RESOLVE ON THE PETITION OF *WILLIAM LE BARON*, DIRECTING THE TREASURER TO PAY HIM THE SUM MADE UP FOR THREE MONTHS SERVICE IN 1781.

On the petition of William Le Baron, praying that he may be paid for three months service in the army in the year 1781, his wages having been drawn by a fraudulent order:

Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to pay to *William Le Baron*, the sum he is made up for in the pay roll of the regiment to which he belonged, when in the three months service in the year 1781, his wages being paid by a fraudulent order notwithstanding.

November 8, 1785.

Chapter 46.

- Chap. 46* RESOLVE ON THE PETITION OF *DAVID THAYER*, EMPOWERING HIM TO RE-ENTER THE ACTIONS MENTIONED, AT THE COURT OF COMMON PLEAS, TO BE HOLDEN AT *CONCORD*, ON THE SECOND TUESDAY OF *MARCH* NEXT, HE SERVING *SILAS HODGES* AND *AMOS BARRET* WITH A COPY OF THIS RESOLVE, AND STAYING EXECUTION IN THE MEAN TIME.

On the petition of David Thayer, of Worcester, in the county of Worcester: — Whereas it appears to this Court, that judgment has been recovered against the said Thayer, on a note of hand for Eighty pounds, eleven shillings and ten pence, damage and cost, at a Court of Common Pleas, holden at Concord, in the county of Middlesex, on the second Tuesday of September, A. D. 1783, on an action brought against him by Silas Hodges and Amos Barret, of Concord aforesaid; and also that another judgment has been recovered against him, the said Thayer, at a Court of Common Pleas, holden at Cambridge, in the said county of Middlesex, on the last Tuesday of November, A. D. 1783, for the sum of Three thousand pounds damage, and Two pounds, thirteen shillings and four pence cost, on an action for covenant broken, brought against him by the said Hodges: and whereas it appears to this Court, reasonable and just, that there should be a new trial on the aforesaid actions, for the reasons set forth in the petition: Therefore

Resolved, That the said *David Thayer* be, and he is, hereby empowered to re-enter the said actions at the

Court of Common Pleas, to be holden at *Concord*, on the second Tuesday of *March* next, and the said Court may proceed thereon according to law and the rules of the said Court; and also that the said *David* serve the said *Silas Hodges*, or *Jonathan Fay*, his attorney, and *Amos Barret*, with an attested copy of this Resolve, thirty days at least before the said Court to be holden at *Concord* as afore-said, and that the executions on the said judgments be stayed in the mean time.

November 8, 1785.

Chapter 47.

RESOLVE DIRECTING THE TREASURER TO CONTINUE CONSOLIDATING GOVERNMENT SECURITIES. *Chap. 47*

Resolved, That the Treasurer, he, and he hereby is, authorized and directed to continue the business of consolidating government securities, until the first day of *June* next, in the same manner as was heretofore provided.

And it is further Resolved, That the consolidated value of those notes, the amount of which, including the interest to the first of the present *November*, shall be less than the sum of *Three pounds*, shall be inserted with red ink, in some part of the face of the said notes; after which, such notes shall be considered as being consolidated, and paid according to the value so inserted. *November 8, 1785.*

Chapter 48.

RESOLVE ON THE PETITION OF JOHN CODMAN, IN BEHALF OF THE MASTER OF THE SCHOONER AMITY, LATELY TAKEN BY THE PIRATES, PERMITTING HIM TO TAKE ON BOARD SUNDRY ARTICLES MENTIONED. *Chap. 48*

On the petition of John Codman, in behalf of the master of the schooner Amity, praying for permission to take on board certain articles therein specified, and to clear out the said schooner at the Naval Office in Salem: — Whereas it appears that the schooner Amity, whereof James Duncanson is master, the property of British subjects, bound on a voyage to Africa, was piratically taken from said master on the high seas, and being afterwards captured by a vessel from Salem, was carried into that port: Therefore

Resolved, That the master, *James Duncanson*, have permission to take on board the following articles, *viz.*: Three thousand feet of lumber, twelve barrels of bread, six bar-

rels of beef and pork, two hundred and fifty pounds loaf-sugar, and fifty cases of Geneva, being necessary to repair the damage done by the pirates, while the said schooner was in their possession; also, that the Naval Officer be directed to clear out the said schooner at *Salem*, any law to the contrary notwithstanding.

November 9, 1785.

Chapter 49.

Chap. 49 RESOLVE GRANTING TO EACH OF THE GENTLEMEN ELECTED TO REPRESENT THIS STATE IN CONGRESS, *TWO HUNDRED POUNDS*, TO ENABLE THEM TO PROCEED TO CONGRESS.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each of the Delegates, who are or may be elected, to represent this State in Congress for the ensuing year, and who shall proceed agreeably to their appointment, the sum of *Two hundred pounds*, they to be accountable.

November 9, 1785.

Chapter 50.

Chap. 50 RESOLVE ON THE PETITION OF *JOHN GARDNER*, EMPOWERING HIM TO RE-ENTER A CERTAIN ACTION AT THE COURT OF COMMON PLEAS, TO BE HOLDEN AT *TAUNTON*, ON THE THIRD TUESDAY IN *DECEMBER* NEXT.

Whereas it appears, that John Gardner, Esq; Sheriff of the county of Nantucket, was summoned to appear at the Court of Common Pleas held at Taunton, in the county of Bristol, on the second Tuesday of March last, and defend against a suit brought against him by Isaac Howland, for malfeasance in the service of a writ against John and Timothy Collin; but by reason of his distant situation from the Main, and the failure of his counsel through sickness, he became defaulted, and judgment was rendered against him: Therefore

Resolved, That the said *John Gardner* be, and he hereby is empowered to re-enter the action aforesaid, at the Court of Common Pleas, next to be holden at *Taunton* aforesaid, on the third Tuesday of *December* next; and that the same process shall be had upon the said action so re-entered, as if the default aforesaid had not been made thereon, but had been continued to the said third Tuesday of *December*, the said *John Gardner*, having notified the said *Isaac Howland* of this Resolve, by serving him with

an attested copy of the same, fourteen days at least, previous to the time for holding the said Court ; and also, that the real estate taken upon the aforementioned judgment, shall be held responsible for the satisfying any judgments the said *Howland* may recover against the said *Gardner* upon a new trial ; but in case the said *Howland* shall fail to obtain judgment against the said *Gardner* upon such new trial, then all proceedings upon the judgment heretofore had, shall be null and void, and the possession of the real estate thereupon taken, shall revert to the said *Gardner*.

November 9, 1785.

Chapter 51.

RESOLVE GRANTING SEVENTY-SEVEN POUNDS TEN SHILLINGS, TO JOHN W. BLAKE, FOR HIS SERVICES AT RUTLAND. Chap. 51

On the memorial of John W. Blake :

Resolved, That the Treasurer of this Commonwealth be, and he hereby is, authorized to issue to Mr. *John W. Blake*, a note under his hand, for the sum of *Seventy-seven pounds, ten shillings*, to bear date on the 26th day of *May*, 1782, payable in the year 1788, with annual interest on the same, which shall be in full for his services, while commanding the troops at *Rutland*, and for the rations to which he was entitled.

And it is further Resolved, That the same be charged to the United States.

November 10, 1785.

Chapter 52.

RESOLVE ON THE PETITION OF DAVID KEMP, DIRECTING THE TREASURER TO MAKE AND PAY TWO NOTES, PAYABLE AS MENTIONED, BEING FOR AN ALLOWANCE OF HIS WAGES-WHILST A PRISONER. Chap. 52

On the petition of David Kemp, setting forth that his son, David Kemp, enlisted into the American Army in the spring of the year 1775, and was in the battle at Bunker's Hill, and there taken prisoner by the Britons, and confined in Boston goal, from thence was sent to Halifax goal, and from there to York, and was a prisoner there on board the Glasgow, November, 1776 : praying that he may be allowed his son's wages whilst a prisoner :

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth, be, and

he is, hereby directed to make and pay to *David Kemp*, junior, who was a prisoner as above, or his legal representative, two notes of *Seventeen pounds* each, on interest, bearing date first of *March*, 1777, one payable the first of *March*, 1788, the other payable the first of *March*, 1789, the interest to be paid annually, which shall be in full for his wages.

November 10, 1785.

Chapter 53.

Chap. 53 RESOLVE ON THE PETITION OF *EBENEZER FARRINGTON*, DIRECTING THE SHERIFF FOR THE COUNTY OF *ESSEX* TO RECEIVE OF HIM A CERTAIN SUM OF MONEY, IN NOTES, IN DISCHARGE OF THE EXECUTION MENTIONED.

On the petition of Ebenezer Farrington, junior:

Resolved, That for reasons set forth in said petition, the Sheriff of the county of *Essex*, be, and he is, hereby directed to receive of *Ebenezer Farrington* aforesaid, the sum of *Fifty pounds*, in the notes of this Commonwealth, receivable in the last State Tax, in full discharge of an execution which he has against the said *Ebenezer*, in favour of this Commonwealth, for the said sum, provided the said *Ebenezer Farrington* pay the cost that has arisen in the prosecution.

November 11, 1785.

Chapter 54.

Chap. 54 RESOLVE ON THE PETITION OF *EDWARD SEAGRAVES*, TO NOTIFY *JOSEPH SIBLEY* TO SHew CAUSE ON THE SECOND WEDNESDAY OF THE NEXT SITTING OF THE GENERAL COURT, AND STAYING EXECUTION.

On the petition of Seagraves, praying for a re-hearing of a certain action brought against him in the county of Worcester, by one Joseph Sibley, as set forth in said petition:

Resolved, That the prayer of said petition be so far granted, that the petitioner notify the said *Joseph Sibley*, that he appear and shew cause, if any he has, on the second Wednesday of the next sitting of the General Court, by leaving an attested copy of his petition, and this *Resolve*, at the last and usual place of his abode, at least fourteen days before the next sitting of the said General Court, why the prayer of said petition should not be granted, and that execution be stayed in the mean time.

November 11, 1785.

Chapter 55.

RESOLVE GRANTING TO WILLIAM BAKER TWENTY-FOUR POUNDS, TO PURCHASE FUEL FOR THE USE OF THE GENERAL COURT. Chap. 55

On the petition of William Baker, Messenger of the General Court, praying to be furnished with money to procure fuel, and other necessary articles for the use of the said Court:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to the said William Baker, the sum of *Twenty-four pounds*, for the purposes aforementioned, he to be accountable for the same.

November 11, 1785.

Chapter 56.

RESOLVE ON THE PETITION OF JOHN PORTER, GRANTING HIM FIFTEEN POUNDS, FOR FURNISHING A GUARD WITH PROVISIONS. Chap. 56

On the petition of John Porter, praying for an allowance to be made him, for furnishing a guard with provisions, in the year 1776, which guard was appointed to take care of certain Scotch prisoners.

Resolved, That there be allowed and paid to the said John Porter, out of the treasury of the Commonwealth, the sum of *Fifteen pounds*, which sum shall be in full for the said John Porter's furnishing the provisions as aforesaid.

November 11, 1785.

Chapter 57.

RESOLVE ON THE PETITION OF JONATHAN WOODBURY AND OTHERS, SELECTMEN OF SUTTON, DIRECTING THE TREASURER TO ISSUE NOTES IN FAVOUR OF BENJAMIN WAKEFIELD, FOR SUCH SUM AS SHALL APPEAR DUE. Chap. 57

On the petition of Jonathan Woodbury, Joseph Hall and John Dudley, Selectmen of the town of Sutton, setting forth that Benjamin Wakefield of said Sutton, late a soldier in the fourth Massachusetts regiment in the American Army, has been fraudulently deprived of his wages, by some person unknown, who hath personated said Wake-

field, received his notes, and signed a receipt in his name, by which means he hath been hitherto deprived of his just due, and it appearing to this Court, that the facts set forth in said petition are justly stated :

Resolved, That the Treasurer, be, and he hereby is, directed to issue notes to said *Benjamin Wakefield*, in such sums as shall appear to have been due to him at the time said notes were so received, bearing date at the time, and in such manner and form, as is by law prescribed.

November 11, 1785.

Chapter 58.

Chap. 58 RESOLVE EMPOWERING ABIEL WOOD, TO RE-ENTER AN ACTION OF STEVENS, AGAINST WOOD AND SAMPSON, AT THE NEXT COURT OF COMMON PLEAS AT FALMOUTH.

On the petition of Abiel Wood of Pownalborough, in the county of Lincoln, praying that the judgment obtained against him, at the Court of Common Pleas held at Falmouth, in, and for the county of Cumberland, on the Tuesday next preceding the last Tuesday of May last, continued by adjournment from the last Tuesday of October last, for Two hundred pounds, damage and cost of suit, in a plea of trespass brought against him by Abraham Stevens of Falmouth, may be set aside, and a new trial ordered thereon, for reasons set forth in said petition :

Resolved, That the said *Wood*, be, and hereby is, empowered to re-enter the aforesaid action of *Stevens* against *Wood* and *Sampson*, at the next Court of Common Pleas, to be holden at *Falmouth*, in and for the county of *Cumberland*, on the last Tuesday of *June* next ; and that the Justices of the same Court are hereby empowered to proceed thereon according to law and the usage of the Court : and that all execution on the aforementioned judgment be stayed, and that the said *Abiel Wood* serve the said *Abraham Stevens* with an attested copy of this Resolve, fourteen days before the sitting of the said Court at *Falmouth*.

And it is further Resolved, That the said *Abiel Wood* pay to the said *Abraham Stevens*, the whole of his lawful cost that has already arisen.

November 12, 1785.

Chapter 59.

RESOLVE ON THE PETITION OF SAMUEL NORTON, AND OTHERS, PROPRIETORS OF THE ISLAND OF CHAPPAQUIDICK, IN DUKES COUNTY, APPOINTING WALTER SPOONER, SOLOMON FREEMAN, AND SHEARJASHUB BOURN, ESQUIRES, A COMMITTEE TO REPAIR TO SAID ISLAND, FOR THE PURPOSES MENTIONED. Chap. 59

On the petition of Samuel Norton, and others, Proprietors of the Island of Chappaquidick, in Dukes County, praying that a Resolve of the General Court, passed February the 23d, A. D. 1774, may be carried into execution :

Resolved, That Walter Spooner, Solomon Freeman, and Shearjashub Bourn, Esquires, be a Committee to repair to the island of Chappaquidick (they previously giving twenty days notice to said Proprietors, and the Indians on said Island) to set off to the patentees, and English purchasers, such quantity of lands, by meets and bounds, as to said Committee, in equity, all circumstances considered, may appear just and reasonable, in full of their respective rights and purchases ; and for ascertaining what sum or sums of money the English inhabitants ought to pay the Indians for the privilege of mowing the salt meadow, and grazing cattle thereon, and to take into consideration, and determine upon such other matters as shall appear to them just and reasonable : finally, to adjust all disputes, and report their doings to the General Court, for confirmation, as soon as may be ; and also to report what measures are necessary to be taken to prevent any cattle, horses, sheep, goats, or swine, from going at large on the Island of Chappaquidick, from the tenth day of April, until the thirtieth day of October, annually ; and also to prevent any wood being sold or transported from off the Indian lands on said Island, on any pretence whatsoever. The expence of said committee to be paid by the petitioners.

November 12, 1785.

Chapter 60.

REPORT OF THE COMMITTEE APPOINTED TO REPAIR TO ATHOL, AND DISTRICT OF ORANGE, TO HEAR THE PARTIES, AND ADJUST ALL DISPUTES BETWEEN THEM. Chap. 60

The Committee appointed by a Resolve of the General Court, passed the 24th day of June last, to repair to the town of Athol, and District of Orange, hear the parties, and finally adjust all disputes that do now exist between

the said town of *Athol*, and such of the inhabitants of the said District of *Orange* as were set off from the said town of *Athol*, respecting debts contracted previous to the incorporation of the said District, and also such taxes as may have been assessed, pursuant to any vote, or votes of the said town of *Athol*, subsequent to the incorporation of the said District, having attended the business assigned them, and heard the parties by their several committees duly authorized, report as their opinion, that by the act for incorporating the said District of *Orange*, the inhabitants thereof which were set off from the said town of *Athol*, are held to pay the tax assessed upon them, pursuant to a vote of the said town, passed the fifteenth day of *October*, 1783, as well as those assessed upon them by previous votes, and that they pay the same accordingly.

That the Collectors in the said town of *Athol*, proceed to collect the tax aforesaid, in the same manner as tho' no exception had been made thereto, but direction had been given for the collection thereof, in the Resolve of the General Court of the fifth of *March* last, relative to the collection of taxes due from the said inhabitants of the said District of *Orange*, to the said town of *Athol*.

That the said inhabitants of the said District of *Orange*, pay to the said town of *Athol*, the sum of *Three pounds, twelve shillings*, being the sum advanced to the committee by the said town.

And that when the said inhabitants of the said District of *Orange*, shall have paid the taxes and sum of money aforesaid, they shall be considered as having discharged their full proportion of all debts contracted by the said town of *Athol*, previous to the incorporation of the said District of *Orange*, and that the said town of *Athol*, shall have no further demand upon them therefor.

EBENEZER BRIDGE, per order.

Read and accepted.

November 14, 1785.

Chapter 61.

Chap. 61 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The Legislature of the State of *Rhode Island*, at their late session, passed an act for regulating trade and com-

merce. It is somewhat similar to our Navigation Act, so far as it respects vessels belonging to subjects of the King of *Great Britain*; but it has no reference to any other foreign vessels. — I received it by the post, with a letter from Governor *Greene*, who writes me the 6th instant, that he had sent a copy of it by express, to the Governor of *Connecticut*, enclosed in a letter, urging the necessity of their passing a similar one.

The act, with Governor *Greene's* letter, will be laid before you by the Secretary, for your further information.

I have lately had a letter of the 10th of *September*, from the Secretary of Congress, relative to a petition of Lieutenant-Colonel *Badlam*, which with Resolves of the Legislature of this State, was communicated to Congress by a letter from the late Governor, dated *March 30, 1784*.

The said Secretary writes me, agreeably to the command of Congress, "that as it would in itself be highly improper, so Congress cannot, without opening a door to endless applications, take any cognizance of Mr. *Ezra Badlam's* case, nor grant him the relief he prays in his petition." The letter, Gentlemen, will be delivered to you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 14, 1785*.

Chapter 62.

RESOLVE ON THE PETITION OF *SETH WARREN*, FOR A RE-HEARING OF A CERTAIN ACTION, HE TO NOTIFY THE AD-VERSE PARTY TO SHEW CAUSE, &c. *Chap. 62*

On the petition of Seth Warren, praying for a re-hearing or trial in an action brought against him by David Ensign, also for staying execution in said cause, for reasons set forth in said petition:

Resolved, That the petitioner cause the said *Ensign*, or his Attorney, to be served with an attested copy of the said petition, with this Resolve, fourteen days at least before the second Wednesday of the next sitting of the General Court, then to shew cause, if any he hath, why the prayer of said petition should not be granted, and that execution be stayed in the mean time.

November 14, 1785.

Chapter 63.

- Chap. 63** RESOLVE ON THE PETITION OF WILLIAM HULL AND OTHERS, THE COMMITTEE OF THE FIRST PRECINCT IN THE TOWN OF NEWTON, AUTHORIZING THE PRESENT ASSESSORS TO ANNEX A WARRANT TO THE ASSESSMENT, AND MAKING THE SAME VALID.

On the petition of William Hull and others, the committee of the first precinct in the town of Newton, representing that in the year 1782, the Assessors of the said precinct assessed on the inhabitants thereof, the sum of Two hundred and sixty pounds, but omitted to annex a warrant to the said assessment, until the year for which they were chosen had expired, and praying the interposition of this Court.

Resolved, That the present Assessors of the said precinct, be, and they are, hereby authorized and empowered to annex a warrant to the said assessment; which said warrant, annexed as aforesaid, shall be as good and valid in law, for the compelling of the payment of the said tax, as if the same had been annexed to the said tax, at the time of assessing the same.

November 14, 1785.

Chapter 64.

- Chap. 64** RESOLVE ON THE PETITION OF THE SELECTMEN OF GRAFTON, GRANTING THEM FOUR POUNDS TEN SHILLINGS, FOR THE USE OF GEORGE GEYER.

On the petition of the Selectmen of Grafton, in behalf of George Geyer, who was maimed in the public service in the army, in the last French war:

Resolved, That there be paid out of the treasury of this Commonwealth, the sum of Four pounds, ten shillings, into the hands of the Selectmen of Grafton, for the use of the said George Geyer, in full for the said George's pension, from the first day of June, 1783, at which time his last grant determined, up to the first day of September, 1785.

November 14, 1785.

Chapter 65.

- Chap. 65** RESOLVE MAKING PROVISION FOR DEFRAYING THE EXPENCES OF THE SURVEY AND SALE OF CERTAIN LANDS IN THE COUNTY OF BERKSHIRE.

Whereas by a resolve of the 28th day of June last past, a Committee was appointed to dispose of all the unappro-

priated lands belonging to the Commonwealth, lying in the county of Berkshire, except the lands on Hoosack Mountain, and those which have been confiscated to the use of Government. And whereas suitable provision is not made in said Resolve, for defraying the expences of the survey and sale of said lands:

Resolved, That *four per cent.* of the sum for which the aforesaid lands shall be sold, shall be paid in hand, at the time of sale, in lawful money of this Commonwealth, and shall be reckoned as part of the one fourth of the sum required by said Resolve, to be paid in hand in consolidated securities of this State.

November 14, 1785.

Chapter 66.

RESOLVE ON THE PETITION OF OLIVER CHAPIN, DIRECTING THE NAVAL OFFICER FOR DUKES COUNTY, TO DELIVER THE ARTICLES MENTIONED, HE PAYING THE DUTIES OF IMPOST.

Chap. 66

On the petition of Oliver Chapin, setting forth that he landed at Holmes Hole, several articles of merchandize, which were seized by the Collector of Excise and Naval Officer of the county of Dukes County, for having been landed without permit, and contrary to law, and it appearing to this Court, that said Chapin had no design to evade the law, in landing said articles: Therefore

Resolved, That the Collector of Excise and Naval Officer for the county of *Dukes County*, be, and they are, hereby directed to deliver said articles to said *Chapin*, he paying all such duties of Impost and Excise, as he ought to have paid on landing the same, and also settling with the Collector and Naval Officer, respecting such proportion as by law accrues to them from said seizure.

November 16, 1785.

Chapter 67.

RESOLVE APPOINTING THE HONORABLE SETH WASHBURN, CHARLES TURNER, EZRA SARGEANT, ESQ'RS. MR. THOMAS CLARKE AND MR. JOSIAH STEARNS, A COMMITTEE ON ACCOUNTS.

Chap. 67

Resolved, That *Seth Washburn, Charles Turner and Ezra Sargeant, Esqrs. Mr. Thomas Clarke and Mr. Josiah Stearns*, be a Committee to receive, examine and

pass on all accounts, that are now, or may hereafter be exhibited, for the support of such indigent persons, as are the proper charge of the State ; and all other accounts, (those only excepted that are, or may be committed to a special committee,) that shall be exhibited for services performed, cash advanced, or property sold for the use of this Commonwealth, by order of the General Court, or any person or persons authorized to incur such expence, where the same are properly vouched ; and that the Committee be vested with the same powers, and observe the same rules which were prescribed in a Resolve of the General Court, passed the fifteenth day of *March*, one thousand seven hundred and eighty-three, appointing a Committee to examine and pass on accounts : Provided nevertheless, that the said Committee do not sit on the business of their appointment, at any time in the recess of the General Court.

November 17, 1785.

Chapter 68.

Chap. 68 RESOLVE ON THE PETITION OF BENJAMIN ALLEN, REVERSING A JUDGMENT OBTAINED AGAINST HIM IN FAVOUR OF ISAAC HOWLAND AND JOSEPH RUSSELL, IN JULY LAST, AND GRANTING HIM A NEW TRIAL AT THE COURT OF COMMON PLEAS, TO BE HELD AT BOSTON, ON THE FIRST TUESDAY OF JANUARY NEXT, AND HE TO NOTIFY THE ADVERSE PARTY THEREOF.

On the petition of Benjamin Allen, praying that a judgment obtained against him, at a Court of Common Pleas, held at Boston, within, and for the county of Suffolk, on the first Tuesday of July last, in favour of Isaac Howland, and Joseph Russell, may be set aside, and a new trial ordered thereon ; for reasons set forth in his petition :

Resolved, That the above described judgment be, and hereby is, reversed and rendered null and void ; and that a new trial be had on the same case, at the Court of Common Pleas, to be held at *Boston*, within and for the county of *Suffolk*, on the first Tuesday of *January* next ; and the Justices of the same Court, are hereby empowered and directed to hear and determine the same, in all respects, as they should, or ought to do, if the same case was regularly depending by continuance in the said Court ; and that execution on the aforesaid judgment, be stayed ; and that the said *Benjamin Allen*, serve the said *Isaac How-*

land and *Joseph Russell*, with an attested copy of this Resolve, fourteen days at least, before the sitting of said Court.

November 17, 1785.

Chapter 69.

RESOLVE ON THE PETITION OF *STEPHEN CHOATE*, ESQ; GRANTING TO *BENJAMIN GREENLEAF*, ESQ; HIS HEIRS, &c. SEVEN HUNDRED ACRES OF LAND, TO BE LAID OUT IN THE COUNTY OF CUMBERLAND OR LINCOLN, UNDER THE DIRECTION MENTIONED, AND EMPOWERING THE COMMITTEE, ON CONDITION. Chap. 69

On the petition of Stephen Choate, Esq; setting forth, that pursuant to a grant of the Great and General Court of the Province of Massachusetts Bay, unto the late John Choate, of Ipswich, Esq; was surveyed and laid out by Richard Hazzen, Esq; a tract of land, containing two hundred and fifty acres, in the township of Methuen, and confirmed in April, 1734: that the said John, by his deed with warranty, sold the said tract to John Greenleaf, of Newbury, Esq; who by his last will and testament, devised the same to his son, Benjamin Greenleaf, Esq; the present claimant: that the said land, by settling the boundary line between the government of Massachusetts and New Hampshire, together with about one hundred acres of land more, belonging to the said Greenleaf, which he held by a like tenure, fell within the government of New Hampshire; in consequence of which, the said Greenleaf was ousted of a part of the said land, and obliged to purchase the residue of the proprietors holding under John Tuston Mason, Esq; — and that the said Greenleaf cannot legally obtain a compensation for his loss, in any other way than by demanding the same of the heirs of the said John Choate; and thereupon praying the interposition of the Legislature, and that a reasonable compensation may be made to the said Greenleaf, on condition of his relinquishing all demands against the heirs of the said John Choate, for the said land:

Resolved, That there be, and hereby is, granted to the said Benjamin Greenleaf, Esq; his heirs and assigns, a tract of land, containing seven hundred acres, to be laid out in the county of Cumberland or Lincoln, under the direction of the Committee, appointed by a Resolve of Court, the 28th of February, 1783, on the subject matter of the unappropriated lands in the county of Lincoln; who

are hereby empowered, in behalf of this Commonwealth, to make and execute a good deed of the same, on condition that the said *Benjamin Greenleaf* relinquish all demands against the heirs of the said *John Choate*, on account of the said lands, sold by him to the said *John Greenleaf*; which seven hundred acres of land, shall be considered as a full compensation for the loss in the grant made to the said *John Greenleaf*, as well as the loss in the grant made to the said *John Choate*, by the settlement of the line between the governments aforesaid.

November 17, 1785.

Chapter 70.

Chap. 70 RESOLVE ON THE PETITION OF *HANNAH HUTCHINS*, DIRECTING THE TREASURER TO PAY TO THE LAWFUL HEIRS OF *NOAH HUTCHINS*, THE WAGES MENTIONED.

On the petition of Hannah Hutchins, setting forth, that Noah Hutchins, late of Kittery, deceased, served in the American army as a private soldier; and that since his decease, his wages for said service have been drawn from the public treasury by a forged order:

Resolved, That the Treasurer of this Commonwealth is directed to pay to the lawful heirs of the abovenamed *Noah Hutchins*, the sum due to him at the time of his decease, for his services in the American army as aforesaid; said wages being paid to *Eli Sumner*, on a forged order, notwithstanding.

November 18, 1785.

Chapter 71.

Chap. 71 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By the post I had several letters from *New York*, which it is proper should be communicated to you. Two of them are from the Secretary of Congress, dated the 25th of *October* and 7th of *November*, accompanied with a state of the representation in Congress, and with copies of the continuation of the journal of Congress. One of them is from the Board of Treasury, dated the 1st instant, enclosing the Loan Office Ordinance, passed by Congress the 30th of *September*, together with the bonds and oath of office,

required from the Commissioner of the Continental Loan Office in this State. As you, Gentlemen, are the proper judges of the sufficiency of the sureties that may be offered, you will please to take the necessary measures for the completion of the bonds required of that officer.

The two other of those letters are from our Delegates in Congress, dated the 2d and 6th instant. The first contains some observations relative to the Confederation and the powers of Congress, which are communicated for your consideration. The latter respects the institution of the Federal Court, for adjusting the interfering claims of this State and *New York*; and also the agency of our Delegates in that business, which ceased the 6th instant, with the Congress of the last year. As the situation of the controversy makes it expedient that the Commonwealth should have Agents in Congress, I would recommend, Gentlemen, that our Delegates for the new year should have the same powers given to them, in regard to that affair, as were given to our Delegates of the last year.

The several letters and papers abovementioned, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 18, 1785.*

Chapter 72.

RESOLVE ON THE PETITION OF SAMUEL STEARNS, ADMITTING HIM TO THE SAME PRIVILEGES AS OTHER PRISONERS TAKEN ON EXECUTION, AND AUTHORIZING TWO JUSTICES TO ADMINISTER TO HIM THE OATH PRESCRIBED BY LAW IN THAT CASE, AND DISCHARGING HIM FROM GOAL.

Chap. 72

Whereas it is represented to this Court, that a certain Samuel Stearns is confined in the goal in the county of Worcester, for a debt due to this Commonwealth, which he is unable to pay, or any part thereof:

Therefore *Resolved*, That the said *Samuel Stearns* shall be, and he hereby is, admitted and entitled to the same privilege and advantage, that poor prisoners taken on execution, and confined in goal for debt, at suit of a private individual, by law are.

And be it further Resolved, That any two Justices of the Peace, *quorum unus*, are hereby fully authorized, at the request of the said *Samuel*, to administer to him the

oath prescribed by law, in that case made and provided, without giving any further notice to the Commonwealth, or to any person in their behalf. And the keeper of the said goal, his under keeper or deputy, are hereby authorized and directed to discharge the said *Samuel*, upon his taking the said oath, and paying the prison charges; provided that he, the said *Samuel*, is detained in the said goal for no other cause, matter or thing, than the debt of the Commonwealth aforesaid. *November 19, 1785.*

Chapter 73.

Chap. 73 RESOLVE ON THE PETITION OF *JAMES PERRY*, DECLARING VALID A CERTAIN DEED.

On the petition of James Perry, of Easton, praying for the establishment of a deed given to him, signed by Nathaniel Morton, one of the Committee of sales on absentees estates in the county of Bristol :

Resolved, That the prayer of the petition be granted, and that the deed signed by *Nathaniel Morton*, one of the Committee of sales on absentees estates, in the county of *Bristol*, bearing date *December* the 8th, 1779, be, and it hereby is, declared good and valid to all intents and purposes, as it would have been had two of said Committee signed said deed, any law or resolve to the contrary notwithstanding. *November 19, 1785.*

Chapter 74.

Chap. 74 RESOLVE ON THE PETITION OF *STEPHEN CROFOOT*, DISCHARGING HIM FROM AN EXECUTION, AND DIRECTING THE EXCISE OFFICER TO RETURN THE MONEY MENTIONED, HE PAYING COSTS.

On the petition of Stephen Crofoot, praying for a discharge from an execution for the sum of Fifty pounds, in favour of the Collector of Impost and Excise in the county of Berkshire :

Resolved, That the prayer of said petition be granted, and that the Excise Master aforesaid, be, and he is, hereby directed and required to discharge said execution, and to return to the said *Stephen* the money and property which have been taken from him by virtue of said execution; he, the said *Stephen*, paying all legal costs which have arisen, and the excise on 32 gallons of West India rum.

November 19, 1785.

Chapter 75.

RESOLVE ON THE PETITION OF *TIMOTHY BIGELOW*, GRANTING *HIM SEVEN POUNDS FIFTEEN SHILLINGS AND TWO PENCE*, FOR A CERTAIN ALLOWANCE IN 1777. Chap. 75

On the petition of Timothy Bigelow, Esq; praying for an allowance for Thirty dollars, of Continental Currency, by him paid in the year 1777, for taking up one Caleb Green, an infamous and dangerous person :

Resolved, There be allowed and paid out of the public treasury of this Commonwealth, unto *Timothy Bigelow, Esq* ; the sum of *Seven pounds, fifteen shillings and two pence*, which shall be in full of principal and interest of the said *Thirty dollars* by him advanced as aforesaid.

November 19, 1785.

Chapter 76.

MESSAGE FROM HIS EXCELLENCY, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*, Chap. 76

You have been informed of an Act of Congress of the third of *November*, 1783, directing the Paymaster General to deposit in the hands of the Regimental Agents, the certificates for the arrears of pay due to the officers and soldiers of the respective lines of the late *American* army, to be by them delivered to the individuals to whom they belong, or deposited for their benefit, as the Supreme Executive of their respective States shall direct. On the subject of that Act you passed a Resolve of the second of *July* last, which, with the Act, I laid before the Council, who advised that the Regimental Agents, belonging to this Commonwealth, should be directed to deposit the certificates in the Secretary's office, and the Secretary notified the said Agents by the public prints accordingly. Notwithstanding which, there has been but one compleat regimental return made into his office ; and the applications daily made, are for the returns in general. You will please, Gentlemen, to take this matter into your consideration, and determine in what manner the delinquent Agents shall be obliged to make their returns as directed, and to point out what measures may be expedi-

ent to be adopted by the Secretary to prevent or detect any fraudulent applications for such certificates.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 19, 1785.*

Chapter 77.

Chap. 77 RESOLVE DIRECTING THE COMMITTEE APPOINTED BY A RESOLVE OF THE 28TH OCTOBER, 1783, TO DISPOSE OF PART OF THE ISLAND OF MOUNT DESERT, WITHOUT A RE-SURVEY OF SAID ISLAND.

Upon the representation of the Committee appointed by a Resolve of the General Court, of the 28th of October, 1783 :

Resolved, That the said Committee be, and they hereby are, empowered to dispose of that part of the island of *Mount Desert*, which is the property of this State, without ordering a re-survey or further examination of the said island.

November 21, 1785.

Chapter 78.

Chap. 78 RESOLVE ADJOURNING THE COURT OF GENERAL SESSIONS OF THE PEACE, AND COURT OF COMMON PLEAS, TO BE HOLDEN AT PLYMOUTH, IN THE COUNTY OF PLYMOUTH, ON THE SECOND TUESDAY OF DECEMBER NEXT, TO THE SECOND TUESDAY OF JANUARY NEXT.

Whereas a Court of General Sessions of the Peace, and a Court of Common Pleas, are by law to be holden at Plymouth, within and for the county of Plymouth, on the second Tuesday of December next; and whereas the fifteenth day of the said December is appointed for a day of Public Thanksgiving, which renders it inconvenient that the said Courts should be holden at the time appointed by law: Therefore,

Resolved, That the Court of General Sessions of the Peace, and Court of Common Pleas, which by law should be holden at *Plymouth*, within and for the county of *Plymouth*, on the second Tuesday of *December* next, be, and they are, hereby adjourned to the second Tuesday of *January* next, then to be holden at *Plymouth*, within and for the county aforesaid: and all writs, processes and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace, and Court of

Common Pleas, appointed by law to be holden at *Plymouth* as aforesaid; and all matters, causes and things, that might have had day, or that might have been had, moved or done, at, in or by the said Courts, at the time by law appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done, at, in and by the said Courts, at the time hereby appointed for holding the same, any law to the contrary notwithstanding. — And the Secretary is hereby directed to publish this Resolve in the two *Boston* newspapers which shall be printed next after passing the same.

November 22, 1785.

Chapter 79.

RESOLVE ON THE PETITION OF VALENTINE WHEELER, DIRECTING THE EXCISE MASTER OF THE COUNTY OF BERKSHIRE, TO DISCHARGE THE SAID VALENTINE OF THE SUM MENTIONED.

Chap. 79

On the petition of Valentine Wheeler, praying to be discharged of the sum of Fifty pounds, remaining due on an execution issued against him in favour of the Excise Master of the county of Berkshire :

Resolved, That the prayer of said petition be granted, and that the Excise Master aforesaid, be, and he hereby is, directed and required to discharge the said *Valentine* of the said sum of *Fifty pounds*, remaining due on the execution aforesaid.

November 22, 1785.

Chapter 80.

RESOLVE ON THE PETITION OF TIMOTHY WALKER, DIRECTING THE TREASURER TO PAY THE SUM MENTIONED.

Chap. 80

On the petition of Timothy Walker, setting forth, that he served three months in the late American army, in the year of our Lord, 1781, in Capt. Abel King's company, in Col. Sear's regiment, and that he was omitted in said King's original pay roll: and it appearing by another pay roll, made by the said King, that said Walker served as a serjeant in his company, during the aforesaid term, and was entitled therefor, to the sum of Ten pounds, but was by him omitted in his original pay roll :

Resolved, That the Treasurer of this Commonwealth, be, and he is, hereby directed to pay to the said *Timothy*

Walker, the sum of *Ten pounds*, in full for his service aforesaid, in the same manner as he would have done, had the said *Walker* been made up in the said *King's* original pay roll; the same to be charged to the United States.

November 23, 1785.

Chapter 81.

Chap. 81 RESOLVE ON THE PETITION OF *EPHRAIM FLAGG*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, AND STAYING EXECUTION IN THE MEAN TIME.

On the petition of Ephraim Flagg, praying for leave to re-enter an action in the next Supreme Judicial Court to be holden in the county of Middlesex, which was brought against him by the administratrix on the estate of John Winn, late deceased, upon a note of hand, upon which judgment was recovered against him at the Supreme Judicial Court held at Cambridge, in said county, in October last:

Resolved, That *Ephraim Flagg* abovesaid, notify the aforesaid administratrix to appear on the second Wednesday of the next sitting of the General Court, to shew cause (if any she have) why the prayer of his petition may not be granted, by serving her with an attested copy of his petition, with this Resolve, fourteen days at least, before the second Wednesday aforesaid, and that execution be stayed in the mean time.

November 24, 1785.

Chapter 82.

Chap. 82 RESOLVE ON THE PETITION OF *JABEZ METCALF*, DIRECTING HIM TO NOTIFY *JOHN AYRES* TO APPEAR BEFORE THE GENERAL COURT, AT THE TIME, AND FOR THE PURPOSE MENTIONED.

On the petition of Jabez Metcalf, praying for a new trial on two actions brought in the county of Bristol, by John Ayres, junior, one against the said Jabez Metcalf and John Metcalf, and the other against the said Jabez Metcalf alone, as set forth in his petition:

Resolved, That the petitioner notify the said *John Ayres*, junior, that he appear and shew cause, if any he has, why the prayer of said petition should not be granted, on the second Wednesday of the next sitting of the General Court, by leaving an attested copy of his petition,

and this order thereon, at the last and usual place of the abode of the said *John Ayres*, junior, or his attorney, fourteen days at least before the next sitting of the said General Court, and that in the mean time execution be stayed.

November 24, 1785.

Chapter 83.

RESOLVE ON THE PETITION OF *BENJAMIN SMITH*, ADMINISTRATOR ON THE ESTATE OF *ISRAEL CAGNEHEW*, DECEASED, EMPOWERING THE COMMITTEE TO DIVIDE THE LAND MENTIONED, TO ADJUST DEMANDS, AND TO ALLOW ACCOUNTS, &c.

Chap. 83

Whereas Benjamin Smith, of Edgartown, in Dukes County, administrator on the estate of Israel Cagnehew, Indian man, late of said Edgartown, deceased, has represented, and it appears to this Court that the said Cagnehew died seized of a considerable real estate, consisting of land, and a dwelling house in said Edgartown; and that in his last sickness he contracted several debts to a considerable amount, and the said Cagnehew did not leave, at his death, personal estate sufficient to discharge said debts: Therefore

Resolved, That the said Benjamin Smith, be, and he hereby is, authorized and empowered to make sale of said house, at public auction or private sale, giving previous notice thereof at least twenty days, by posting up written notifications thereof in some public places in said town; and the purchaser or purchasers of said house shall remove the same off said land within thirty days after the sale thereof.

And be it further Resolved, That Walter Spooner, Solomon Freeman and Shearjashub Bourn, Esq's. who are appointed a Committee by this Court to divide the lands between the proprietors of the island called Chappaquidick, be, and they hereby are, empowered to inquire into and adjust the several demands on the estate of the said Cagnehew, and to allow such accounts as to them shall appear just and reasonable, and certify the same under their hands to the Judge of Probate for Dukes County, who shall thereupon order the same to be paid out of the net proceeds of the sale of said Cagnehew's house and personal estate; which proceeds the said Smith is hereby ordered to present to the said Judge, to be recorded in the Register's office for recording of wills, &c.

November 24, 1785.

Chapter 84.

Chap. 84 RESOLVE ON THE PETITION OF JONATHAN HALE, JUN. AND DAVID BURT.

On the petition of Jonathan Hale, jun. and David Burt, praying that the several sums of money by them received on sales of powder, the property of this Commonwealth, in the year 1777, may be reckoned according to the value thereof by the scale of depreciation in January, 1778 :

Resolved, For reasons set forth in said petition, that the said Hale and Burt account with the Committee for liquidating accounts, for the several sums of money they received for the sales of powder, in the year 1777, by order of the General Court, and for which they are accountable, amounting in the whole to Five hundred and eighty-three pounds, six shillings and three pence, according to the true value thereof, computed by the scale of depreciation in January, 1778 : and the said Committee are hereby directed to govern themselves accordingly.

November 24, 1785.

Chapter 85.

Chap. 85 RESOLVE ON THE PETITION OF THE SELECTMEN OF BOSTON, IMPOWERING BENJAMIN HENDERSON TO COLLECT TAXES MENTIONED.

Upon the petition of the Selectmen of the town of Boston :

Whereas the Assessors of the town of Boston, committed to Abraham Savage, a Collector for the town of Boston, in the years one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-three, certain assessments of taxes, as well the then Province taxes as county and town taxes; the collections of which taxes being never compleated, the said Savage went away and joined himself to the British army, and continued his allegiance to the King of Great Britain, and has, since the peace, delivered the same lists of assessment to Benjamin Henderson, of said Boston, yeoman, with his power of an attorney for the collection of the same: Therefore

Resolved, That the said Benjamin Henderson, be, and he hereby is, empowered to demand of all persons, from whom any sum or sums of money may be due upon the same assessments, whatever may be so due from them respectively ; and upon their neglect or refusal to pay the

same, to bring in his own name any action or actions of debt necessary for the recovery of the same, and to prosecute the same, by himself or his lawful attorney, to final judgment and execution; he, the said *Henderson*, being accountable to the inhabitants of the town of *Boston*, for any sum or sums he may recover upon the same assessments.

November 24, 1785.

Chapter 86.

RESOLVE ON THE PETITION OF *DUDLEY* INDIANS, REQUIRING THEIR GUARDIANS TO MAKE A TRUE REPRESENTATION OF THEIR PROCEEDINGS TO THE GENERAL COURT NEXT SITTING. Chap. 86

On the petition of a tribe of Indians, commonly called the Dudley Indians, praying the removal of one of their Guardians, and another to be appointed in his stead, for reasons set forth in their petition:

Resolved, That the petition be so far granted, that the Guardians aforesaid, be, and hereby are, required to state a true representation of their proceedings in said trust to the General Court, on the second Wednesday of their next sitting, that the Court may take further order thereon, as then may appear expedient.

November 24, 1785.

Chapter 87.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY. Chap. 87

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Upon receiving information from our Excise Officer, at *Machias*, that the inhabitants of *Moose Island*, in *Passamaquoddy Bay*, in this Commonwealth, had been notified by the Sheriff of the county of *Charlotte*, in the British Province of *New Brunswick*, to send Jurors to that County Court, on penalty of forfeiting their estates, in case of refusal, I wrote a letter on the subject to Mr. *Carleton*, Governor of that Province, dated the 9th of *September*. As I was not informed that Governor *Carleton* had interposed his authority, I mentioned to him, that I was inclined to believe my informant was mistaken in his opinion, that the government of *New Brunswick* had given its sanction to a measure altogether unexpected and insupportable;

and that I assured myself he would issue orders effectually to prevent the abovementioned, and every other encroachment, on the territorial rights and sovereignty of this Commonwealth, and of the United States.

To that letter I have received an answer, dated at *St. John's*, the 18th of *October*, which not only justifies the proceedings of the Sheriff, but contains an implied declaration, that the said Island, with several other Islands, is, by virtue of the treaty of peace, within that Province.

As it seems clear, they mean to obtain possession of those Islands by compelling the inhabitants to acknowledge the right of jurisdiction to be in the government of *New Brunswick*, I think it highly expedient you should be informed of their proceedings as soon as may be, that such measures may be adopted concerning them, as you shall judge suitable.

Of those proceedings, Congress have been informed by my letter to our Delegates: and have sent an account of them to the Minister of the United States, at *London*.

My letter to Governor *Carleton*, and his answer to it, will be delivered to you, Gentlemen, by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 24, 1785.*

Chapter 88.

Chap. 88

RESOLVE ON THE PETITION OF *JAMES ATHEARN* AND *SHUBAEL COTTLE*, IN BEHALF OF THE TOWN OF *TISBURY*, ABATING A TAX.

On the petition of James Athearn and Shubael Cottle, in behalf of the town of Tisbury, praying that the said town of Tisbury may be abated a tax, made in the year 1777, for reasons set forth in said petition:

Resolved, That the sum of *One hundred twenty-six pounds, eighteen shillings and five pence*, be abated the said town of *Tisbury*; and that the Treasurer, he, and he is, hereby directed to credit the said town of *Tisbury* for the said sum of *One hundred twenty-six pounds, eighteen shillings and five pence*, and that the said town of *Tisbury* have liberty to pay the sum of *Ninety-three pounds*, the remainder of said tax, in consolidated securities of this Commonwealth; and the Treasurer is hereby directed, to receive the same in discharge of the said tax.

November 24, 1785.

Chapter 89.

RESOLVE DISCHARGING *JOHN LUCAS*, ESQ; OF SEVERAL SUMS OF MONEY, PREVIOUS TO THE FOURTH OF *JANUARY* LAST, AND GRANTING HIM *SIX HUNDRED AND SIXTY-FOUR POUNDS FOUR SHILLINGS AND SIX PENCE*, IN FULL OF ALL HIS EXPENDITURES, INCLUDING HIS SERVICES TO THE FIRST OF *JANUARY*, 1785.

Chap. 89

On the report of the Committee for stating and methodizing public accounts; stating that they had examined the accounts of John Lucas, Esq; Commissary of Pensioners, and that the same were properly vouched; and that there was a balance of Six hundred and sixty-four pounds, four shillings and six pence, due to him the first day of January, 1785:

Resolved, That the said *John Lucas*, Esq; be, and he is, hereby discharged of all sums of money for which he was made accountable, previous to the first of *January* last; and that there be allowed and paid out of the public treasury of this Commonwealth, to the said *John Lucas*, the sum of *Six hundred sixty-four pounds, four shillings and six pence*, which is in full of all his expenditures, including his services and office hire, up to the said first day of *January*, one thousand seven hundred and eighty-five; and that the same be charged to the United States.

November 24, 1785.

Chapter 90.

RESOLVE ON THE PETITION OF *JESSE WARE*, DIRECTING HIM TO NOTIFY *JAMES NICHOLS* TO APPEAR AT THE TIME AND PLACE MENTIONED.

Chap. 90

On the petition of Jesse Ware, of New Braintree, in the county of Worcester, praying for a re-hearing of an action, in the Supreme Judicial Court, brought against him by James Nichols:

Resolved, That the said *Jesse Ware*, cause the said *James Nichols* to be cited to appear on the second Wednesday of the next sitting of the General Court, to shew cause (if any he hath) why the prayer of said petition should not be granted, by lodging with the said *James Nichols*, or at his dwelling house in *Brookfield*, in the county aforesaid, an attested copy of the above-mentioned petition, and this order thereon, at least thirty days previous to the second Wednesday aforesaid; and

that all proceedings by virtue of an execution on the judgment mentioned in said petition, be in the mean time stayed.

November 24, 1785.

Chapter 91.

Chap. 91 RESOLVE ON THE PETITION OF *JOB RANSOM*, DIRECTING THE TREASURER TO MAKE OUT NOTES, SIMILAR TO THOSE OF WHICH HE WAS DEFRAUDED.

On the petition of Job Ransom, setting forth, that he was a soldier in the Continental Army; and that there was due to him, the sum of Twenty-one pounds, two shillings and six pence, for his services; and it appearing to this Court that the wages aforesaid were drawn by a forged order, drawn in favour of John White :

Resolved, That the Treasurer of this Commonwealth, be, and he is, hereby directed to make out and deliver to the said *Job Ransom*, notes of the same tenor, and sums, that those notes were of, which were delivered upon the aforesaid forged order.

November 24, 1785.

Chapter 92.

Chap. 92 RESOLVE ON THE PETITION OF THE WIDOW *SARAH SMITH* AND *STEPHEN PHELPS*, DIRECTING THE TREASURER TO PAY THE SEVERAL SUMS THAT APPEARS DUE TO THEM.

On the petition of the widow Sarah Smith, praying for wages due to her late husband Joseph Smith; and on the petition of Stephen Phelps, praying for wages due to him, being both for services performed in the Continental Army, which wages have been drawn by forged orders :

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to pay to the said *Sarah Smith*, and to the said *Stephen Phelps*, the several sums that appear to be due to them respectively, on their producing such sufficient vouchers as the law directs, to entitle them to receive the same, in the same manner he would have paid them if the same had not been paid on the forged orders aforesaid.

November 24, 1785.

Chapter 93.

Chap. 93 RESOLVE ON THE PETITION OF *AARON CHAMBERLAIN*, GRANTING HIM A TRACT OF LAND, ADJOINING TO *BUCKLAND* AND *ASHFIELD*, AND APPOINTING A COMMITTEE TO SET OFF THE SAME.

On the petition of Aaron Chamberlain, praying that a tract of uncultivated public land, adjoining to Ashfield and

Buckland, may be granted to him, for reasons set forth in said petition :

Resolved, That one half, both for quantity and quality, of a tract of uncultivated public land, adjoining to *Buckland* and *Ashfield*, and containing in the whole four hundred and ten acres, as surveyed by *Samuel Taylor*, be, and hereby is, granted to the said *Aaron Chamberlain*, as administrator on the estate of his father, *Samuel Chamberlain*, deceased, in full compensation for the loss and damage by him sustained, as set forth in said petition; and that *Samuel Taylor*, *David Smead* and *Hugh McClellan*, Esq's. be a Committee to set off the same, beginning at the west end thereof; the said Committee to make return of their proceedings herein to the Secretary of this Commonwealth, as soon as may be; and the said *Chamberlain* to pay any expence that may arise by the division as aforesaid.

November 24, 1785.

Chapter 94.

RESOLVE ON THE PETITION OF AMOS SINGLETARY, GRANTING HIM A TRACT OF LAND, &c. Chap. 94

Whereas Amos Singletary, Esq; has represented and made it to appear, that his ancestors were original proprietors in the town of Haverhill, and had laid out to them, one hundred and ninety-five acres of land in that part of Haverhill, which, by the line run by the then Province of New Hampshire, fell within the limits thereof; that the said land was by his said ancestors conveyed to him, and that he has never received any compensation for said land: Therefore

Resolved, That there be granted to said *Amos Singletary*, in fee simple, a certain tract of unappropriated land, lying partly in the town of *Rowe*, in the county of *Hampshire*, and bounded northerly upon a grant formerly made to *Cornelius Jones*, called *Merrifield*, and westerly upon *Fulham's* grant, and easterly upon *Peirce's* grant, adjoining to a large brook and southerly upon said unappropriated lands, running from the south-east corner of said *Fulham's* grant, south, forty degrees east, to the aforesaid *Peirce's* grant, containing near four hundred acres, in full compensation for the land lost by said *Singletary* in running the line as aforesaid, provided the aforesaid grant shall not extend further southward than to include four hundred acres.

And it is further Resolved, That *Samuel Taylor*, Esq;

be, and he hereby is, directed to lay out the above described tract of land, and to return a plan thereof to this Court as soon as may be, the said *Singletary* defraying the charge thereof.

November 25, 1785.

Chapter 95.

Chap. 95 RESOLVE ON; THE PETITION OF *GRAFTON GARDNER*, IN BEHALF OF SEVERAL CREDITORS TO THE ESTATE OF *TIMOTHY RUGGLES*, EMPOWERING THE JUDGE OF PROBATE OF THE COUNTY OF *WORCESTER*, TO APPOINT COMMISSIONERS TO EXAMINE THEIR CLAIMS.

On the petition of Peleg Coffin, junior, in behalf of Grafton Gardner, Esq; and Enoch Gardner, and of William Jernegan, in behalf of John Norton, Thomas Daggett, Samuel Cobb and Beulah Coffin, representing that they have just claims against the estate of Timothy Ruggles, late of Hardwick, in the county of Worcester, Esq; an absentee, and that they had no notice of the appointment of Commissioners on the claims against the said Ruggles's estate:

Resolved, That the Judge of Probate for the county of *Worcester*, be, and he hereby is, authorized and empowered to appoint a Commissioner or Commissioners to examine the claims of the said *Grafton Gardner, Enoch Gardner, John Norton, Thomas Daggett, Samuel Cobb and Beulah Coffin*, against said *Ruggles's* estate, in the same manner as if the same had been timely presented for examination; and if the same shall be found to be just and reasonable, the said Judge of Probate is hereby directed to certify the same to the Governor and Council, which shall be paid out of the net proceeds of the said *Ruggles's* estate, when the remainder thereof shall be sold, in the same proportion as the other creditors to the said estate have heretofore been, and shall hereafter be paid, provided that the proceeds of such sale shall be sufficient for that purpose.

November 25, 1785.

Chapter 96.

Chap. 96 RESOLVE ON THE PETITION OF *JOHN STARBIRD*, EMPOWERING HIM TO RE-ENTER THE ACTION MENTIONED, AND STAYING EXECUTION.

On the petition of John Starbird, praying for a new trial in an action, where he was appellant, and Elizabeth

Smith and Hannah Smith, were appellees, at the Supreme Judicial Court, holden at Falmouth, in the county of Cumberland, in 1783, on which action a judgment was recovered against the petitioner, by non-suit at said Court:

Resolved, That for reasons set forth in the petition, the said *John*, be, and he hereby is, empowered to re-enter the said action at the Supreme Judicial Court, next to be holden in and for the said county of *Cumberland*; and the same being so re-entered, the Court are also empowered to proceed thereon, in like manner as they might have done had the same been regularly before them by continuance; provided that the said *John* serve the said appellees, in person, with an attested copy of this Resolve, or leave the same at their last and usual places of abode, at least thirty days before the holding of the said Court; and also, that no costs be finally taxed for the said *John*, for the re-entry of the action, nor for any term in which he had not day.

And it is also Resolved, That no further proceedings be had on the said judgment by non-suit, unless the said *John* shall fail to re-enter his action as aforesaid.

November 25, 1785.

Chapter 97.

RESOLVE STAYING ALL PROCEEDINGS HAD IN CONSEQUENCE OF ANY RESOLVE PASSED THE GENERAL COURT THE LAST SESSION, FOR REVISING THE CONFEDERATION, AND REQUESTING THE GOVERNOR TO TRANSMIT THIS RESOLVE TO THE DELEGATES OF THIS STATE IN CONGRESS. *Chap. 97*

On the subject of revising the Articles of Confederation, passed upon at the last sitting of the General Court:

Resolved, That no further proceedings be had, in consequence of any Resolve then passed on the said subject, until the further order of this Court: and that the Governor be requested to transmit this resolve to the Delegates of this Commonwealth at Congress, as soon as may be.

November 25, 1785.

Chapter 98.

RESOLVE ON THE PETITION OF WILLIAM FORD, EMPOWERING THE JUDGE OF PROBATE OF WORCESTER COUNTY, TO DIRECT COMMISSIONERS TO EXAMINE HIS CLAIM AGAINST THE ESTATE OF ABEL WILLARD, AN ABSENTEE. *Chap. 98*

On the petition of William Ford, praying that the Commissioners on the estate of Abel Willard, an absentee, may

be empowered and directed to examine and allow a demand he had against the said Abel Willard :

Resolved, That the prayer of the petition be granted, and that the Judge of Probate for the county of *Worcester*, be, and he hereby is, authorized and empowered to direct the Commissioners appointed to examine the claims against the estate of the said *Abel Willard*, to examine and allow the demand of the said *William Ford*, he duly supporting the same. And the said *William Ford* is hereby entitled to receive the amount of his said debt, in the same manner as the other creditors of the said *Abel Willard*. *Provided nevertheless*, That if it shall appear to the said Judge of Probate, that the said *William Ford* has already received, or is entitled to receive, from the estate of *Abijah Willard*, any part of his said demand, that then, and in that case, the said *William Ford* shall be entitled to receive from the estate of the said *Abel Willard*, no more than the remainder of his said demand, after deducting what has been allowed him out of the estate of the said *Abijah*. *November 25, 1785.*

Chapter 99.

Chap. 99 RESOLVE ON THE PETITION OF OLIVER WHITNEY, IN BEHALF OF THE TOWN OF HARVARD, DIRECTING THE ASSESSORS TO ASSESS THE CLASSES No. 4 AND 12, FOR THE HIRE OF THEIR MEN, AND TO MAKE A WARRANT IN COMMON FORM TO THE COLLECTORS, AND TO GOVERN THEMSELVES AGREEABLE TO A RESOLVE OF DECEMBER, 1780, AND DECLARING VOID ALL THE VOTES OF THE TOWN RESPECTING AVERAGING THE COST OF HIRE.

On the petition of Oliver Whitney, in behalf of the town of Harvard, setting forth, that in consequence of a Resolve of the General Court of December, 1780, for raising the Continental Army, the town proceeded to class themselves into sixteen classes, and voted to be responsible for the hire of said men, and the cost of the whole to be averaged on the town; and the men hired by two classes, viz. No. 4 and No. 12, have been paid out of the town treasury, which has so embarrassed the other classes, as to prevent the settlement of them; and it being also represented, that all concerned in the subject of the said petition are desirous the prayer thereof should be granted: Therefore

Resolved, That the prayer of the petition be granted, and that the Assessors of the town of *Harvard*, for the time being, be, and are, hereby directed and required to

assess upon the polls and estates of such persons as belong to the classes No. 4 and No. 12, the full sum given by said classes for the hire of their men, which sum has been paid out of the treasury of said town; and to make out a warrant in common form to the Collectors of the town, requiring them to collect and pay into the town treasury the sum committed for the use of the town; and the head of each class abovesaid is directed to deliver to the Assessors a list of the polls and estates contained in each class, with an account of the cost of the hire of said men.

And it is further Resolved, That the Assessors govern themselves by the Resolve of *December*, 1780, in making said assessment.

And it is further Resolved, That the other classes in said town, who have not completed the payment of their men, shall proceed without delay to complete the same, agreeable to the abovesaid Resolve.

And it is further Resolved, That all the votes of the town that respect the averaging the cost of the hire of the men, and settling with the classes, be, and hereby are, declared to be null and void.

November 26, 1785.

Chapter 100.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS OF THE COUNTY OF SUFFOLK, AND GRANTING A TAX OF TWO THOUSAND POUNDS, TO BE ASSESSED ON SAID COUNTY. *Chap. 100*

Whereas the Justices of the Court of the General Sessions of the Peace for the county of Suffolk, have laid before this Court, the accounts of the Treasurer for the said county, from May 22d, 1784, to May 23d, 1785; also an estimate of the sum necessary to be raised for defraying the charges of the said county for one year, from the said twenty-third of May, 1785; and further praying that the sum of Two thousand pounds, may be granted for said purpose; and it appearing to this Court, that said sum is necessary, and that the accounts exhibited are right cast, and well vouched; and that the expenditures were for such purposes, as the said Justices were by law authorized to provide for: Therefore

Resolved, That the said accounts be, and they are, hereby allowed.

And it is further Resolved, That there be, and hereby is, granted a tax of *Two thousand pounds*, to be appor-

tioned and assessed on the inhabitants of the said county of *Suffolk*, and the estates lying within the same, to be collected, paid and applied for the use of the said county, conformably to the laws of this Commonwealth: And inasmuch as a new valuation will probably be soon established,

Resolved, That if the tax hereby granted shall be apportioned and assessed according to the last valuation, the said Justices shall, on a new valuation, and in the next succeeding tax, charge or credit the several towns within the said county, with such sum or sums as might appear to have belonged unto them, had the same been made by such new valuation. *November 25, 1785.*

Chapter 101.

*Chap.*101 RESOLVE ON THE PETITION OF REBECCA RAYMOND, STAYING EXECUTION.

On the petition of Rebecca Raymond, wife of Nathan Raymond, of Littleton, in the county of Middlesex, praying to be discharged from an execution, in favour of this Commonwealth, against the estate of her said husband, for reasons set forth in said petition:

Resolved, That the prayer of the petition be so far granted, that the said execution be stayed until the further order of the General Court. *November 25, 1785.*

Chapter 102.

*Chap.*102 RESOLVE ESTABLISHING THE PAY OF THE MEMBERS OF THE GENERAL COURT, THE PRESIDENT OF SENATE, &c.

Resolved, That there be allowed and paid out of the public treasury, the sum of *eight shillings*, to each member of the Honorable Council, and the sum of *seven shillings* and *six pence*, to each member of the Honorable Senate, and the sum of *seven shillings*, to each member of the House of Representatives; — for each day they have attended the Council or General Court the present session: also the further sum of one day's pay for every ten miles distance each member lives from the place of the Court's sitting.

And it is further Resolved, That there be granted and paid out of the public treasury of this Commonwealth, to

the Hon. *Samuel Phillips*, jun. Esq; President of the Senate, the sum of *six shillings* per day, for each day's attendance the present session of the General Court; to the Hon. *Nathaniel Gorham*, Esq; Speaker of the House of Representatives, the sum of *six shillings* per day, for each day's attendance on the General Court, over and above their respective pay as members thereof.

And be it further Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives, and also to Mr. *Samuel Cooper*, Clerk of the Honorable Senate, the sum of *Forty pounds* each, in part for their services the present year.

November 25, 1785.

Chapter 103.

RESOLVE ON THE PETITION OF *ABIEZER EDSON*, DIRECTING THE TREASURER TO DISCHARGE THE NOTE MENTIONED. Chap.103

On the petition of Abiezer Edson, setting forth that Josiah Edson, Esq; an absentee, was indebted to him the sum of Three pounds, for which the said Josiah gave his note of hand, dated July 28, 1770, which note was mislaid and lost until the whole of the said Josiah Edson's estate was sold by order of government, and praying that the sum due on said note might be paid him notwithstanding:

Resolved, That the prayer of the petition be so far granted, that the Treasurer of this Commonwealth, be, and he is, hereby directed to pay out of the public treasury, the sum of *Three pounds*, to the said *Abiezer Edson*, on his delivering to the Treasurer the aforesaid note, and in full discharge thereof. *November 25, 1785.*

Chapter 104.

RESOLVE ON THE PETITION OF *REUBEN TOTMAN*, &c. INHABITANTS OF *HUBBARDSTON*, APPOINTING A COMMITTEE TO VIEW THE CIRCUMSTANCES OF SAID TOWN, AND REPORT. Chap.104

On the petition of Reuben Totman, Joseph Newton, Amos Parker, John Williams and David Hemmingway, inhabitants of the town of Hubbardston, praying that they may be set off from the said town of Hubbardston, and annexed to the town of Barre, or that a Committee may be appointed by the General Court to view, at the petitioners

cost, their situation and circumstances, and report their opinion of the expediency of the petitioners being set off as aforesaid:

Resolved, That *Seth Washburne, Abel Wilder and Hiram Newhall, Esq's.* be a Committee to repair to the town of *Hubbardston*, notify all persons interested, hear their allegations and complaints, view their situation and circumstances, and report their opinion at the next sitting of the General Court; and that the expences arising on the said business be paid in the first instance by the petitioners aforesaid.

November 25, 1785.

Chapter 105.

Chap. 105 RESOLVE ADJOURNING THE COURT FOR THE TRIAL OF PIRACIES, AT SALEM, TO BOSTON, ON THE THIRD WEDNESDAY OF FEBRUARY NEXT, AND DIRECTING THE SHERIFF OF ESSEX TO CONVEY THE PIRATES FROM THE GOAL IN SALEM, AND DELIVER THEM TO THE SHERIFF OF THE COUNTY OF SUFFOLK.

Whereas it is expedient, that the Court, which now stands adjourned to the second Wednesday of February next, to meet at Salem, in the county of Essex, for the trial of Piracies and Felonies, done and committed on the high seas, should be adjourned over to Boston, in the county of Suffolk:

Resolved, That the Court for the trial of Piracies and Felonies, done and committed on the high seas, which now stands adjourned to meet at *Salem*, in the county of *Essex*, on the second Wednesday of *February* next, be, and it hereby is, further adjourned to meet at *Boston*, in the county of *Suffolk*, on the third Tuesday of *February* next; and all matters and things shall have day in said Court, at said adjournment at *Boston*, as they would have had at the adjournment of said Court to the second Wednesday of *February* next, at *Salem*, as aforesaid: and the said Court are hereby empowered to proceed thereon in the same manner as they might have done, had not the said Court been adjourned as aforesaid.

And whereas Richard Squires and John Matthew, prisoners in the Commonwealth's goal at Salem, in the county of Essex, stand convicted of Felony and Robbery on the high seas, and sentence has not yet been passed on them for said offence:

Resolved, That the Sheriff of the county of *Essex*, be, and he hereby is, directed to convey the said *Squires* and *Matthew*, to the bounds of the county of *Essex*, and deliver them unto the Sheriff of the county of *Suffolk*, who is hereby directed to receive said prisoners, and convey them to the Commonwealth's goal at *Boston*, in the county of *Suffolk*, and there safely to keep them, until sentence can be passed upon them.

November 25, 1785.

Chapter 106.

RESOLVE RESPECTING THE WHALE FISHERY, AND DIRECTING
THE SECRETARY TO PUBLISH THE SAME IN ADAMS AND
NOURSE'S PAPER, AND THE ESSEX, FALMOUTH AND PLYM-
OUTH NEWSPAPERS. Chap.106

Whereas this Court, having a due sense of the high worth and importance of the Whale Fishery, are desirous of its preservation, not only to this State, but to the United States in general: Therefore

Resolved, That there be paid out of the treasury of this Commonwealth, the following bounties upon Whale Oil of the different qualities hereafter mentioned, *viz.*:

For every ton of white Spermaceti Oil, *Five pounds*,

For every ton of brown or yellow Spermaceti Oil, *sixty shillings*,

For every ton of Whale Oil, (so called) *forty shillings*,

that may be taken or caught, by any vessel or vessels that are, or may be, owned and manned wholly by the inhabitants of this Commonwealth, and landed within the same, from and after the first day of *January* next, until the further order of the General Court.

And be it further Resolved, That the Selectmen of each town within this Commonwealth, where said fishery is carried on, be, and they hereby are, empowered and directed to appoint an Inspector, or Inspectors, who (first making oath for the due performance of his or their duty) shall inspect all such oil so landed, with an iron oil searcher, and with a marking iron, mark on the head of each cask so inspected, the initial letters of his name; describing the quality of the oil by letters W. B. Y. W. O. annexed, and make certificate thereof, to the

Selectmen of such town as aforesaid, under oath, — such Inspector or Inspectors, to be paid by the owner or owners of such oil so inspected, on certificate being produced as aforesaid.

And it is further Resolved, That in order to entitle the owner or owners of the oil so taken, landed, inspected and marked as aforesaid, to the bounty or bounties aforesaid, the owner or owners of the vessel or vessels, that took and landed the same, shall produce to the Governor and Council, a certificate from under the hands of the Selectmen of the town, where the said oil was landed and inspected as aforesaid, which certificate shall be in the following words, *mutatis mutandis*:

S. ss. 178 . This certifies that the , A. B. master, owned by E. F. of in the county aforesaid, arrived at this port, from a whaling voyage on the instant, (or as the case may be) and had on board the following quantities of oil hereafter named, *viz.*:

- Tons of white Spermaceti Oil.
- Tons of brown or yellow Spermaceti Oil.
- Tons of Whale Oil.

The whole of which was landed at said port of and there inspected according to law, and a certificate thereof, under the hand of A. B. sworn Inspector for the port aforesaid, to us produced.

} Selectmen
of

And it is further Resolved, That the said owner or owners, together with the master mentioned in the said certificate, shall each of them subscribe the same; and the said owner or owners, together with the said master, shall make oath before some Justice of the Peace for the same county, in the form following, *viz.*:

You A. B. and C. D. do solemnly swear (or affirm) that you were the sole owners of the , A. B. master, mentioned in this certificate, during the whole time she was employed on the whaling voyage herein mentioned; and that the quantity of oil aforesaid, was taken or caught by the persons employed on board said vessel, during said

voyage; which vessel was navigated and manned wholly by the inhabitants of this State; and that no foreigner, directly or indirectly, hath (or had) any share, part, or interest therein; and that the whole of said oil, was taken or caught, after the first day of December, A. D. 1785.

So help you God.

And it is further Resolved, That upon such certificate being produced to the Governor and Council, the Governor, by and with the advice and consent of Council, be, and he is, hereby empowered to grant a warrant on the Treasurer of this Commonwealth, for the payment of the bounties, in manner as aforesaid.

And it is further Resolved, That the Secretary, be, and he hereby is, directed to publish the foregoing Resolve, in *Adams and Nourse's*, the *Essex*, *Falmouth* and *Plymouth* newspapers.

November 28, 1785.

Chapter 107.

RESOLVE ON THE PETITION OF *EBENEZER PROUT*, GRANTING HIM *TWENTY-ONE POUNDS SEVEN SHILLINGS* FOR HIS SERVICES, AND THE TREASURER IS DIRECTED TO PAY HIM.

Chap.107

On the petition of Ebenezer Prout, praying for an allowance for his services while serving as clerk to the Committee on Valuation:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *Ebenezer Prout*, the sum of *Twenty-one pounds, seven shillings*, in full for his services; and the Treasurer is hereby directed to pay the said sum accordingly.

November 26, 1785.

Chapter 108.

RESOLVE ON THE PETITION OF *MERCY WELLS*, OF *DEERFIELD*, EMPOWERING HER TO SELL THE LAND MENTIONED.

Chap.108

On the petition of Mercy Wells, of Deerfield, in the county of Hampshire, widow, guardian to Sarah Wells and Mercy Wells, of said Deerfield, minors, praying that she may be empowered in her said capacity to sell a small piece of land lying in Carter's land, so called, in the town aforesaid, containing about eleven acres, bounded easterly on Deerfield River, westerly on land of John Williams, southerly on land of Eldad Bardwell, and northerly on land of Thomas Bardwell:

Resolved, That the prayer of the petition be granted, and that the petitioner, be, and she hereby is, empowered to sell the above described land for the most the same will fetch, and to make and execute a good deed or deeds to the purchaser or purchasers, she observing the rules and directions of law relating to the sale of estates by guardians, and giving bonds to the Judge of Probate for the county of *Hampshire*, that the proceeds arising by such sale shall be applied, or laid out in other real estate, for the benefit of said minors.

November 26, 1785.

Chapter 109.

Chap.109 RESOLVE ON THE MEMORIAL OF NATHANIEL GORHAM, ESQ; ADMINISTRATOR ON THE ESTATE OF CALEB CALL, OF CHARLESTOWN, EMPOWERING HIM TO SELL A CERTAIN HOUSE LOT.

On the memorial of Nathaniel Gorham, Esq; administrator on the estate of Caleb Call, Esq; late of Charlestown, deceased, praying, for certain reasons set forth in his petition, that he may be empowered, in the absence of the other administrator, to sell at private sale to Doctor Josiah Bartlet, with the consent of the heirs now in this Commonwealth, the house lot of said deceased, to satisfy the just debts of said deceased:

Resolved, That the prayer of the petition be granted, and that the said *Nathaniel Gorham, Esq;* as administrator on the estate of said *Caleb Call, Esq;* deceased, be empowered to sell at private sale, with the consent of the heirs of said deceased in this Commonwealth, the house lot of said deceased, to Doctor *Josiah Bartlet*, notwithstanding the absence of the other administrator out of this Commonwealth, he, the said *Nathaniel Gorham*, giving sufficient bonds to the Judge of Probate of Wills for the county of *Middlesex*, to apply such part of the proceeds of said sale as shall be necessary therefor, to the discharge of the just debts of said deceased, and account with the Judge for the remainder thereof.

November 28, 1785.

Chapter 110.

Chap.110 RESOLVE ON THE PETITION OF THE MANAGERS OF WINCHENDON LOTTERY, GIVING THEM LIBERTY TO PUBLISH A LIST OF PRIZES IN ANY PUBLIC NEWSPAPER.

Resolved, That the managers of *Winchendon Lottery* have liberty to publish a list of prizes in the remaining

classes of said Lottery in any public newspaper in this Commonwealth, which may appear to them most convenient, any law or resolve to the contrary notwithstanding.

November 28, 1785.

Chapter 111.

RESOLVE MAKING AN ESTABLISHMENT FOR THE PAY OF THE MEMBERS OF THE COMMITTEE OF VALUATION. *Chap.111*

Resolved, That there be allowed and paid out of the treasury of this Commonwealth, to each of the members of the Committee of Valuation, the sum of *eight shillings, per diem*, for his services in that business, in the last recess of the General Court; and *one shilling per diem*, for said services, over and above his pay as a member of said Court, during the present sitting of the same.

November 28, 1785.

Chapter 112.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF MIDDLESEX, AND GRANTING A TAX TO BE APPORTIONED ON THE INHABITANTS, FOR DEFRAYING THE CHARGES OF SAID COUNTY. *Chap.112*

Whereas it appears upon examination of the Treasurer's accounts for the county of Middlesex, that they are right cast and well vouched; and that all the monies granted and allowed by the Court of the General Sessions of the Peace for the said county, for the year 1784, were for such purposes and appropriations, as by law the said Court were empowered to grant:

Therefore *Resolved*, That the said accounts be accepted and allowed.

And whereas it appears from an estimate of the Justices of said Court, made the second Tuesday of September, 1785, that the sum of Seven hundred pounds, will be necessary for defraying the charges of said county, for one year next ensuing: Therefore

Resolved, That there be, and hereby is, granted a tax of *Seven hundred pounds*, to be apportioned and assessed on the inhabitants of said county, and the estates lying within the same; and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

November 29, 1785.

Chapter 113.

Chap.113 RESOLVE ON THE REPRESENTATION OF *SAMUEL WARD*, DIRECTING THE TREASURER TO CREDIT HIM WITH A SUM OF MONEY MENTIONED, BY WAY OF DISCOUNT.

Whereas it is represented to this Court, that Samuel Ward, Esq; late Collector of Impost and Excise, for the western district of the county of Essex, is unable to pay the balance due from him to this Commonwealth:

Resolved, That the Treasurer of this Commonwealth, (upon application made to him for the purpose) be, and he hereby is, empowered and directed to credit the said Ward, on the balance of One thousand seven hundred and fifty-two pounds, nineteen shillings and one penny farthing, due from said Ward to this Commonwealth; in the manner following, viz. — By discounting the sum which may be due to said Ward, from this Commonwealth, for his part of the vessels lost at Penobscot, and by receiving of said Ward, three consolidated notes, amounting to Three hundred and twenty pounds, three shillings, with the interest due thereon; and likewise a note given to said Ward, by Moses Greenleaf, late Deputy Collector of Impost and Excise for the county of Essex, amounting to Forty-seven pounds, thirteen shillings and five pence; which sums, when so discounted and received by the said Treasurer, shall be passed to the credit of said Ward's account as aforesaid.

November 29, 1785.

Chapter 114.

Chap.114 RESOLVE GRANTING THREE THOUSAND POUNDS TO THE COMMITTEE ON ACCOUNTS.

Whereas it appears to this Court that a sum of money is necessary to be appropriated for payment of such accounts as have been, or may be allowed by the Committee for examining and passing accounts: Therefore

Resolved, That the sum of Three thousand pounds be paid out of the treasury of this Commonwealth to the Committee appointed for allowing and passing accounts, said Committee to be accountable for the expenditure of the same.

November 29, 1785.

Chapter 115.

RESOLVE ON THE PETITION OF JONATHAN REED, IN BEHALF OF THE TOWN OF LITTLETON, DISCHARGING THEM FROM A FINE. Chap.115

On the petition of Jonathan Reed, in behalf of the town of Littleton, praying for the abatement of a fine set on said town, for the deficiency of one man, ordered to be raised for the Continental Army:

Resolved, That the town of *Littleton*, be, and hereby is, discharged of the fine aforesaid, and that the Assessors of said town, be, and they hereby are, empowered to assess the said fine upon the deficient class in said town, and to deliver such assessment to a Collector of said town, with a warrant to enable him to collect the same; and directing payment thereof to be made into the treasury of said town, for the use of the inhabitants thereof.

November 29, 1785.

Chapter 116.

RESOLVE ON THE PETITION OF SAMUEL EDDY, DIRECTING THE TREASURER TO PAY HIM THE SUM DUE TO HIM. Chap.116

On the petition of Samuel Eddy, representing that his wages, amounting to Thirty pounds, sixteen shillings, have been paid on a forged order, and praying the consideration of this Court:

Resolved, That the Treasurer, be, and he is, hereby directed to pay out of the public treasury; to the said *Samuel Eddy*, or order, the sum which may appear to be due to him, in the same manner as he would have done, if the wages had not been paid on a forged order as aforesaid.

November 29, 1785.

Chapter 117.

RESOLVE ON THE PETITION OF SOLOMON CLARKE AND OTHERS, COMMITTEE OF THE PLANTATION OF CANAAN, IN LINCOLN COUNTY, TO NOTIFY THE INHABITANTS OF THE TOWN OF WINSLOW, TO SHEW CAUSE, &c. Chap.117

On the petition of Solomon Clarke, Samuel Worton and Robert Hood, Committee of the Plantation of Canaan, praying for relief with regard to taxes laid on them by the Assessors of the town of Winslow:

Resolved, That the petitioners be directed to notify the inhabitants of the town of *Winslow*, to appear on the second Wednesday in the second sitting of the next General Court, by serving the Assessors of said town with an attested copy of this petition, and this order thereon, sixty days at least before said second Wednesday, to shew cause, if any they have, why the prayer of said petition should not be granted, and that in the mean time, all demands on the inhabitants of said Plantation, from the inhabitants of the town of *Winslow*, be stayed.

November 29, 1785.

Chapter 118.

Chap.118 RESOLVE ON THE PETITION OF *GEORGE BABCOCK*, DIRECTING THE TREASURER TO RECEIVE OF SAID *BABCOCK*, A SUM OF CONTINENTAL MONEY, IN DISCHARGE OF THE SUM MENTIONED.

On the petition of George Babcock, setting forth that he collected a sum of Continental money before the law took effect, prohibiting Collectors receiving the same; but was prevented from paying the said money into the Treasury of this Commonwealth, by reason that the certificate accompanying the same, was not in due form of law: Therefore

Resolved, That the Treasurer be directed to receive of *George Babcock*, a Constable for the town of *Partridgefield*, Fifteen hundred and ninety-four dollars, Continental money, in discharge of so much money committed him to collect; any law or resolve to the contrary notwithstanding.

November 29, 1785.

Chapter 119.

Chap.119 RESOLVE ON THE PETITION OF *STEPHEN SMITH*, CONFIRMING A CERTAIN DEED MENTIONED.

On the petition of Stephen Smith, praying for the confirmation of a deed of land bearing date the tenth day of February, A.D. one thousand seven hundred and seventy-four, made by John' Murray, Esq; an absentee, granting to the aforesaid Stephen Smith, a tract of land, in a place formerly called East Hoosuck, now Adams, estimated at one hundred and eighty-three acres, which deed is not acknowledged:

Resolved, That the prayer of the petition be granted, that the said deed be, and the same is, hereby confirmed to him, the said *Stephen Smith*, his heirs and assigns, to have and to hold the tract of land therein described, in the same manner, as they might or could have done if the said *John Murray*, Esq; had acknowledged said deed.

November 29, 1785.

Chapter 120.

RESOLVE ON THE PETITION OF *TIMOTHY HUDSON* AND *JOHN FERGUSON*, IN BEHALF OF THE INHABITANTS OF THE PLANTATION OF *HANCOCK*, IN *LINCOLN* COUNTY, TO NOTIFY THE INHABITANTS OF *WINSLOW*, TO SHEW CAUSE. *Chap.120*

On the petition of Timothy Hudson and John Ferguson, in behalf of the inhabitants of the Plantation of Hancock, praying for an abatement of taxes laid on said Plantation by the Assessors of the town of Winslow :

Resolved, That the petitioners be directed to notify the inhabitants of the town of *Winslow*, to appear on the second Wednesday in the second sitting of the next General Court, by serving the Assessors of said town with an attested copy of this petition, and this order thereon, sixty days at least, before the said second Wednesday, to shew cause (if any they have) why the prayer of said petition should not be granted; and in the mean time, that all demands on the inhabitants of said Plantation, from the inhabitants of the town of *Winslow*, be stayed.

November 29, 1785.

Chapter 121.

RESOLVE ON THE PAY ROLL OF THE COMMITTEE ON VALUATION, FOR THEIR SERVICES. *Chap.121*

Resolved, That the several gentlemen on this roll be paid accordingly.

November 29, 1785.

Chapter 122.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY. *Chap.122*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have received by the post, several letters from Mr. *Thompson*, the Secretary of Congress, dated the 9th, 14th

and 18th instant. With the first came two printed copies of the Journal of Congress for the past year : one of the Journals for the Legislature, and the other for the Executive branch of government. The letter of the 14th was accompanied with a Resolution of Congress of the 2d, directing that the claims of all persons, for services in the military department, shall be exhibited to the Commissioner of army accounts, by the first of *August* next, or be forever thereafter precluded from adjustment or allowance.

With the other letter was enclosed a copy of a letter to the said Secretary, from the Minister for Foreign Affairs, mentioning, that the advices lately received from *Europe*, demand the attentive consideration of Congress ; and urging, that in his letters to the States, he would impress them with the necessity of their being speedily, fully and constantly represented in Congress.

The two last mentioned letters of Mr. *Thompson*, may require your attention. These, with the Journal of Congress, and the papers above referred to, will be laid before you by the Secretary.

JAMES BOWDOIN.

COUNCIL CHAMBER, *November 29, 1785.*

Chapter 123.

Chap.123 RESOLVE APPOINTING *PETER BOYER* ONE OF THE COMMITTEE FOR METHODIZING ACCOUNTS, AND ALLOWING HIM PAY FOR ASSISTING THE SAID COMMITTEE.

Whereas Thomas Walley *has resigned as one of the Committee for stating and methodizing the accounts of this Commonwealth, and it is necessary that said Committee should consist of two persons :*

Resolved, That *Peter Boyer*, be, and he is, hereby appointed one of the Committee for stating and methodizing the public accounts, in the room of *Thomas Walley*, who has resigned.

Whereas it has been represented, that Peter Boyer has been constantly and usefully employed, in assisting the Committee for stating and methodizing the public accounts, during the last recess, and to the present time :

Resolved, That the Committee on Accounts, be, and they are, hereby directed to allow the said *Peter Boyer* the same pay as the members of the said Committee are allowed, for the time he has been employed as aforesaid.

November 30, 1785.

Chapter 124.

RESOLVE ADDING *JOHN BROOKS*, ESQ; TO THE COMMITTEE *Chap.124*
 APPOINTED BY A RESOLVE OF 28TH OCTOBER, 1783, ON THE
 SUBJECT OF UNAPPROPRIATED LANDS IN THE COUNTY OF
LINCOLN.

Resolved, That *John Brooks*, Esq; be, and he hereby
 is, added to the Committee appointed by a Resolve of the
 General Court of the twenty-eighth of *October*, 1783, on
 the subject of unappropriated lands in the county of *Lin-*
coln, in the room of *Nathan Dane*, Esq; who is absent at
 Congress.
November 30, 1785.

Chapter 125.

RESOLVE ON THE PETITION OF *BUTLER FOGERTY*, GIVING *Chap.125*
 HIM LEAVE TO ENTER THE ACTIONS MENTIONED ANEW,
 HE SERVING *JOSEPH PRINCE* AND *CALEB PRINCE* WITH
 A COPY OF THIS RESOLVE.

On the petition of Butler Fogerty, praying for leave to
re-enter in the Court of Common Pleas in the county of
Suffolk, two actions against him, the one in favour of
Joseph Prince, and the other of Caleb Prince :

Resolved, That the prayer of said petition be granted,
 and that the said *Butler* have leave to enter anew, two
 actions which were commenced against him at the Court
 of Common Pleas in *July* last, in the county of *Suffolk*,
 the one in favour of *Joseph Prince*, and the other in favour
 of *Caleb Prince*, which actions were defaulted, at the
 next Court of Common Pleas to be holden within and
 for said county of *Suffolk*; and that he may there have
 advantage of all such evidence and proceedings, as though
 no such default had been made; and that the executions
 which have issued against him, the said *Fogerty*, on the
 said actions, be stayed; he, the said *Fogerty*, serving the
 said *Joseph Prince* and *Caleb Prince*, or their attorney,
 with an attested copy of this Resolve, ten days at least
 before the next sitting of the said Court of Common Pleas
 in said county.
November 30, 1785.

Chapter 126.

RESOLVE GRANTING A TRACT OF LAND TO *EDWARD SMITH* *Chap.126*
 AND OTHERS, ON *PENOBSCOT RIVER*, DIRECTING THE COM-
 MITTEE ON UNAPPROPRIATED LANDS, TO LAY OUT SUR-
 VEY, AND GIVE A DEED OF SAID LAND.

Resolved, That a quantity of land, equal to six miles
 square, bounding southerly on *Frankfort*, and easterly on

Penobscot River, be granted and confirmed to *Edward Smith* and others, who have petitioned for the same, and are the settlers thereon, their heirs and assigns, on condition of their paying for the same, at the rate of *six shillings* per acre, in consolidated securities of this Commonwealth, within one year from this time, with interest till paid; provided such lands are not included within the tract of land confirmed to the proprietors holding under *Beauchamp* and *Leverett*: provided also, that there be previously deducted from the said quantity, fifty acres for each of the petitioners, who have actually settled thereon, which is to be considered as a compensation for settlement; and also two hundred acres for the use of the first settled minister; two hundred acres for the use of the ministry; two hundred and eighty acres for a grammar school; and two hundred acres near the centre of the town, for the future disposition of Government; and the Committee appointed by a Resolve of Court, of the 28th of *October*, 1783, on the subject of unappropriated lands in the county of *Lincoln*, be, and hereby are, directed to cause the said township to be surveyed and laid out as soon as circumstances will permit, and make and execute a good deed thereof to the petitioners, on the conditions, and with the reservations, hereinbefore recited.

November 30, 1785.

Chapter 127.

Chap. 127 RESOLVE ON THE PETITION OF *WILLIAM ROGERS*, EMPOWERING *CALEB WEST* TO SELL AND CONVEY THE LANDS MENTIONED.

On the petition of William Rogers, of Greenwich, praying that some meet person may be appointed, and empowered to sell and convey certain lands lying in Brimfield, belonging to him and his wife Silence Rogers:

Resolved, for reasons set forth in said petition, That the prayer thereof be granted, and that Mr. *Caleb West*, be, and he is, hereby empowered to sell and convey, by deed, the lands described in said petition, as in his judgment shall be most advantageous to the owners and heirs of said land; and the said *Caleb West* shall be accountable to the two children of the said *William Rogers*, and his said wife *Silence Rogers*, or to their proper heirs, for the proceeds of said lands, by paying to each of said children an equal share of said proceeds, at the time they shall respec-

tively arrive to the age of twenty-one years; and the deed or deeds properly executed by said *Caleb West*, shall be good and valid to the purchaser or purchasers, to all intents and purposes.

November 30, 1785.

Chapter 128.

RESOLVE ON THE PETITION OF *JOHN BROWN*, DIRECTING THE TREASURER TO PAY HIM THE SUM MADE UP IN THE PAY ROLL, FOR SERVICES, IN 1780. Chap.128

On the petition of John Brown, praying that he may be paid his wages for three months service in the Continental Army, in the year 1780, which have been drawn by a fraudulent order:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to pay to *John Brown* the sum he is made up for in the pay roll of the regiment to which he belonged, when in service three months in the year 1780, his wages being paid on a fraudulent order notwithstanding.

November 30, 1785.

Chapter 129.

RESOLVE REPEALING A RESOLVE PASSED THE SECOND OF NOVEMBER, 1785, IN FAVOUR OF *JONATHAN JACKSON*, ESQ. Chap.129

Whereas by a Resolve of this General Court, of the second day of November instant, the Treasurer of this Commonwealth was empowered and directed to give unto Jonathan Jackson, Esq; a note bearing date the fifth of July, 1779, in the form of the notes called consolidated notes, for such sum as was on that day due to him, on account of the ships Monmouth and Vengeance, lost in the expedition against Penobscot; and it appearing upon mature consideration to be very unequal, as applied to other creditors of government, that the said Jonathan Jackson, Esq; should have his note dated as aforesaid:

Resolved, That the abovementioned Resolution of the second of November instant, so far as it empowers and directs the Treasurer of this Commonwealth to give unto the said *Jonathan Jackson*, Esq; a note bearing date the fifth of July, 1779, on account of what was due to him on that day for the said vessels lost as aforesaid, be, and is,

hereby repealed and made null and void to all intents and purposes, and the Treasurer is directed to govern himself accordingly.

November 30, 1785.

Chapter 130.

Chap.130 RESOLVE CONTINUING THE ESTABLISHMENT FOR THE CASTLE TO THE FOURTH WEDNESDAY OF THE NEXT SITTING OF THE GENERAL COURT.

Resolved, That the present establishment of the *Castle*, in the harbour of *Boston*, be, and it hereby is, continued until the fourth Wednesday of the next sitting of the General Court.

December 1, 1785.

Chapter 131.

Chap.131 RESOLVE ON THE PETITION OF ROBERT PAGE, IN BEHALF OF THE TOWN OF WINTHROP, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR THEIR DEFICIENCY OF THREE YEARS, THREE AND FIVE MONTHS MEN.

On the petition of Robert Page, in behalf of the town of Winthrop, praying, for reasons set forth in said petition, a remittance of a fine laid upon said town, of Two hundred sixteen pounds, two shillings and three pence, for deficiency in raising three years, three and five months men:

Resolved, That the fine of *Two hundred sixteen pounds, two shillings and three pence*, laid upon the town of *Winthrop*, for deficiency in raising three years, three and five months men, be remitted; and that the Treasurer, be, and he hereby is, directed to credit the said town the said fine.

December 1, 1785.

Chapter 132.

Chap.132 RESOLVE ON THE PETITION OF THOMAS BEALS, DIRECTING HIM TO SERVE JOHN HUNTER WITH A COPY OF HIS PETITION AND THE ORDER, TO SHEW CAUSE, &c. AND STAYING EXECUTION.

Upon the petition of Thomas Beals, representing that he had lost his law in an action brought against him by John Hunter, owing to the neglect of his attorney, in not entering his appeal, in consequence of which, an execution was issued against him:

Resolved, That the prayer of the petitioner be so far granted, that he be directed to serve the said *Hunter* with a copy of his petition, and this order thereon, ten days before the next sitting of the General Court, to appear upon the second Wednesday of the same, to shew cause (if any he has) why the prayer of the said petitioner should not be granted: and that the execution be stayed in the mean time.

December 1, 1785.

Chapter 133.

RESOLVE GRANTING SEVENTY-FOUR POUNDS TO MARY BALL AND WILLIAM MINNS, EXECUTORS TO THE LAST WILL OF ROBERT BALL, DECEASED, FOR HIS SALARY TO THE 19TH OF NOVEMBER, 1774. Chap.133

On the petition of Mary Ball and William Minns, executors to the last will of Robert Ball, deceased, late light house keeper in Boston harbour, praying for an allowance of Sixty pounds, for one year's salary, from November 1773, to November 1774, being the allowance formerly granted him by the General Court, for several years preceding: also the sum of Fourteen pounds, for wood expended in that year, making in the whole Seventy-four pounds:

Resolved, That there be paid out of the public treasury, to the said *Mary Ball* and *William Minns*, executors to the will of *Robert Ball*, deceased, the sum of *Seventy-four pounds*, in full for his salary to the 19th of *November*, 1774, and for wood expended at the light house that year.

December 1, 1785.

Chapter 134.

RESOLVE FOR SUSPENDING THE OPERATION OF A CLAUSE IN THE EXCISE ACT, TO THE THIRD TUESDAY OF THE NEXT SITTING OF THE GENERAL COURT. Chap.134

Whereas a Resolve passed the General Court, the fourth of July last, suspending, till the second Tuesday of the present sitting of the General Court, the operation of a clause in an act, entitled, "An act in addition to, and for the explanation of an act, entitled, an act for laying duties of Impost and Excise on certain goods, wares and merchandize therein described, and for repealing the several laws heretofore made for that purpose:" And whereas it is

expedient that the operation of the aforesaid clause, mentioned in the said Resolve, should be still further suspended:

Resolved, That the operation of the clause in the before recited act, which was suspended by the Resolve before mentioned, till the second Tuesday of the present sitting of the General Court, be, and it hereby is, further suspended in its operation, till the third Tuesday of the next sitting of the General Court.

December 1, 1785.

Chapter 135.

Chap.135 RESOLVE REQUESTING THE GOVERNOR TO WRITE TO THE SEVERAL GOVERNMENTS, AND INFORM THEM OF THE MEASURES THE GENERAL COURT HAVE TAKEN, RESPECTING THE NAVIGATION ACT.

Whereas the General Court have, at their present session, repealed certain clauses in an act passed the present year, entitled, “An act for the regulation of Navigation and Commerce,” which act has been communicated to the other States in the Confederacy:

Resolved, That his Excellency the Governor, be requested to inform the several governments in the union, of the measures the General Court have taken respecting said act.

December 1, 1785.

Chapter 136.

Chap.136 RESOLVE MAKING AN ESTABLISHMENT FOR THE CLERKS IN THE SEVERAL OFFICES,—TO CONTINUE TO THE LAST WEDNESDAY IN MAY NEXT.

Resolved, That the following sums be allowed to the several persons hereafter mentioned, for each day they shall be employed in the business of their respective offices, *viz.*:

To each of the Committee for stating and methodizing the public accounts, *twelve shillings* per day; to the Clerk of the said Committee, *six shillings* per day; to the Deputy Secretary, *eight shillings* per day; to the Treasurer's Book Keeper, *twelve shillings* per day; to the Clerks in the Secretary's office, *seven shillings* per day; to the Clerks in the Treasurer's office, *six shillings* per day; and to the consolidating Clerk in said office, *ten shillings* per day; and that this establishment continue until the last Wednesday in *May* next.

December 1, 1785.

Chapter 137.

RESOLVE ON THE PETITION OF A NUMBER OF SETTLERS IN THE PLANTATION CALLED BAKERSTOWN, APPOINTING ISAAC PARSONS, ESQ; AND OTHERS, A COMMITTEE TO REPAIR TO THE PREMISES, AND MAKE REPORT AT THE NEXT SESSION OF THE GENERAL COURT. *Chap.137*

On the petition of a number of settlers, in the Plantation called Bakerstown :

Resolved, That Isaac Parsons, Esq ; Mr. Caleb Emery, and Mr. Joshua Pray, be a Committee to repair to the premises, and view the same ; and to make report on the prayer of the said petition, at the next session of the General Court ; the petitioners furnishing said Committee with a copy of the petition aforesaid, and rewarding the said Committee for their services. *December 1, 1785.*

Chapter 138.

RESOLVE ON THE PETITION OF JOSEPH BAKER, DIRECTING THE TREASURER NOT TO COMMENCE ANY PROCESS AGAINST HIM TILL THE NEXT SESSION OF THE GENERAL COURT. *Chap.138*

On the petition of Joseph Baker, praying that he may be permitted to pay into the Treasury of this Commonwealth, a sum of money due from him, in government securities :

Resolved, That the Treasurer is hereby directed, not to commence any process against the said Joseph Baker, until the next session of the General Court, any law or resolve to the contrary notwithstanding.

December 1, 1785.

Chapter 139.

RESOLVE STAYING THE EXECUTION AGAINST THE PLANTATIONS IN THE COUNTY OF CUMBERLAND. *Chap.139*

Whereas a Committee is appointed by this Court, to view several of the plantations in the county of Cumberland, in order to consider their state and ability to pay public taxes ; and whereas a new valuation of the property of the Commonwealth is expected soon to be completed :

Resolved, That the executions in hands of the Sheriff of the county of Cumberland, against the town of Stan-

dish, lately called *Pearsonstown*, and the plantations in said county, be stayed till the fourth Tuesday of the next sitting of the General Court; and the Sheriff of the said county of *Cumberland* is hereby directed to govern himself accordingly.

December 1, 1785.

Chapter 140.

Chap.140 RESOLVE ON THE PETITION OF *EBENEZER GOVE*, IN BEHALF OF *SALLY CUSHING*, DIRECTING THE COMMISSARY OF PENSIONERS TO PAY HER THE AMOUNT OF THE PENSION DUE TO HER HUSBAND, HIS NAME BEING ENTERED *JOSEPH GOWGEN*.

On the petition of Ebenezer Gove, in behalf of Sally Cushing, representing, that her husband, Joseph Gowgen, alias Joseph Cushing, a Frenchman, was wounded in the service of America, and placed on the list of pensioners, by the name of Joseph Gowgen, although they were married by the name of Cushing; in consequence of which, she is deprived of the said pension:

Resolved, That John Lucas, Commissary of Pensioners, be, and he is, hereby directed, to pay to the said Sally Cushing, the amount of the pension due to her said husband, his name being entered Joseph Gowgen notwithstanding.

December 1, 1785.

Chapter 141.

Chap.141 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *GEORGETOWN*, ABATING A TAX ON SAID TOWN, FOR THEIR DEFICIENCY OF THREE YEARS, THREE AND FIVE MONTHS MEN.

On the petition of the Selectmen of the town of Georgetown, praying said town may be abated the average price of the men ordered to be raised to reinforce the Continental Army, by a resolve of December, 1780:

Resolved, That the town of Georgetown, be, and they are, hereby abated the sum of Seven hundred forty-one pounds, eleven shillings and three pence, being the sum charged said town in the Tax Act, passed in 1783, for their deficiency of three years, and three and five months men; and the Treasurer is hereby directed to credit said town accordingly.

December 1, 1785.

Chapter 142.

RESOLVE ON THE PETITION OF THE INHABITANTS OF THE TOWN OF WOOLWICH, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR THEIR TAX FOR THREE YEARS, AND THREE AND FIVE MONTHS MEN. Chap.142

On the petition of the inhabitants of the town of Woolwich, in the county of Lincoln, praying that the sum of Four hundred seventy-eight pounds, sixteen shillings and nine pence, may be remitted, it being the sum that the said town was taxed, for their proportion of three years, and three and five months men :

Resolved, That the prayer of the petition be granted, and the Treasurer is hereby directed to credit the said town the above sum of *Four hundred seventy-eight pounds, sixteen shillings and nine pence*, any law or resolve to the contrary notwithstanding.

December 1, 1785.

Chapter 143.

RESOLVE ON THE PETITION OF A NUMBER OF THE INHABITANTS OF THE TOWNS OF MEDFIELD, WRENTHAM, ROXBURY, DEDHAM, NEWTOWN AND MEDWAY, APPOINTING A COMMITTEE OF BOTH HOUSES, TO MAKE ENQUIRY RESPECTING THE PASSAGE OF FISH UP CHARLES RIVER, AND TO REPORT. Chap.143

On the petition of a number of the inhabitants of the towns of Medfield, Wrentham, Roxbury, Dedham, Newtown, and Medway, praying that an enquiry may be made, respecting the passage of the fish up Charles River, for reasons set forth in the said petition :

Resolved, That the prayer thereof be so far granted, that *Elisha May, Esq ; Mr. William Brown, and Benjamin Brown, Esq ;* be a Committee to repair to the places where the obstructions are, — carefully view the same, — hear all the parties, (previously notifying all concerned) and report at the next sitting of the General Court what measures may be necessary to be taken thereon : *Provided however,* that the petitioners agree to defray the charge of the Committee aforesaid.

December 1, 1785.

Chapter 144.

Chap.144 RESOLVE ON THE PETITION OF *DAVID SILVESTER*, OF *POW-NALBOROUGH*, EMPOWERING THE TREASURER TO CREDIT SAID TOWN FOR A FINE FOR NOT SENDING A REPRESENTATIVE, AND A TAX FOR THREE YEARS AND THREE AND FIVE MONTHS MEN.

On the petition of Mr. David Silvester, of Pownalborough, praying that the proportion of tax in Tax Act No. 3, for the year 1783, for three years, three and five months men, and for not sending a Representative, as charged in said Tax Act, may be remitted unto them:

Resolved, for reasons set forth in said petition, That the prayer of the petition be granted, and that the proportion of tax for three years, three and five months men, and the fine for not sending a Representative to the General Court, be remitted to the town of *Pownalborough*; and that the Treasurer of this Commonwealth, be, and hereby is, empowered and directed, to credit the said town, on the tax of 1783, the sum of *Seven hundred and forty-one pounds, eleven shillings and three pence*, being their proportion of the tax for three years, three and five months men; and *Twenty-one pounds, seventeen shillings and six pence*, for not sending a Representative to the General Court in the year 1783, any law or resolve to the contrary notwithstanding.

December 1, 1785.

Chapter 145.

Chap.145 RESOLVE ON THE PETITION OF *ELIJAH BACON*, OF *PROVIDENCE*, TO CITE *OLIVER WARE* TO SHEW CAUSE, &c. AND STAYING EXECUTION.

On the petition of Elijah Bacon, of Providence, in the State of Rhode Island:

Resolved, That the said *Elijah Bacon* cite the same *Oliver Ware* mentioned in said petition, to appear on the second Wednesday of the next sitting of the General Court, to shew cause, if any he hath, why the prayer of said petition should not be granted, by lodging with the said *Oliver Ware*, an attested copy of the petition aforesaid, and this order thereon, at least thirty days previous to the same second Wednesday; and that all proceedings by virtue of any execution, issued on the judgment mentioned in said petition, be in the mean time stayed.

December 1, 1785.

Chapter 146.

RESOLVE APPOINTING *JOHN CARNES*, ESQ; A COMMITTEE TO GET PRINTED TWO HUNDRED COPIES OF *PLYMOUTH COMPANY CLAIM*. Chap.146

Resolved, That two hundred copies of the statement of the claim of the *Plymouth Company*, (so called) be printed for the use of the members of the General Court, as stated by the Committee appointed for the sale of the Eastern Lands, together with the report of the joint Committee thereon, by *Adams* and *Nourse*; and that Mr. *John Carnes*, be, and he is, hereby appointed to carry this Resolution into execution previous to the next meeting of the General Court.

December 1, 1785.

Chapter 147.

RESOLVE ON THE PETITION OF A NUMBER OF INHABITANTS OF THE PLANTATION OF *SYLVESTER*, IN THE COUNTY OF *CUMBERLAND*, APPOINTING *ISAAC PARSONS*, ESQ; AND OTHERS, A COMMITTEE TO REPAIR TO SAID PLANTATION AND VIEW THEIR CIRCUMSTANCES, AND REPORT, AND STAYING ALL PROCEEDINGS RESPECTING TAXES. Chap.147

On the petition of a number of the inhabitants of the Plantation of Sylvester, in the county of Cumberland, praying they may be abated the taxes laid on them, and likewise that they may be incorporated into a town, for reasons set forth in their petition:

Resolved, That *Isaac Parsons*, Esq; Mr. *Caleb Emery* and Mr. *Joshua Pray*, be a Committee, in the recess of this Court, to repair to said Plantation, at the cost of said Plantation, view their circumstances and report to this Court at their next session, and that all proceedings respecting the taxes be stayed in the mean time.

December 1, 1785.

Chapter 148.

RESOLVE ON THE ACCOUNTS OF THE TREASURER OF THE COUNTY OF *YORK*, ALLOWING THE SAME, AND GRANTING A TAX TO BE ASSESSED ON THE INHABITANTS TO DEFRAY THE CHARGE OF SAID COUNTY. Chap.148

Whereas it appears, upon examination of the Treasurer's accounts for the county of York, that his accounts are right

cast and well vouched; that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, from October 12, 1784, to July term of the same Court, 1785, were for such purposes and appropriations as by law the said Court were empowered to grant: Therefore

Resolved, That the said accounts be accepted and allowed.

And whereas it appears, from an estimate of the Justices of the Court of General Sessions of the Peace of the said county of York, made on the second Tuesday of October, 1785, that the sum of Three hundred and twenty-three pounds will be necessary for defraying the charges of the said county for one year then next ensuing: Therefore

Resolved, That there be, and hereby is, granted a tax of *Three hundred and twenty-three pounds*, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth.

December 1, 1785.

Chapter 149.

Chap. 149 RESOLVE ON THE REPRESENTATION OF THE COMMITTEE ON EASTERN LANDS, GRANTING THE HON. SAMUEL PHILLIPS, ESQ; AND OTHERS, *SIX HUNDRED POUNDS*, AND DIRECTING THEM TO LAY OUT THE TOWNSHIP TO AARON CHAMBERLIN AND OTHERS, AS MENTIONED.

Resolved, That there be allowed and paid out of the Treasury of this Commonwealth, to the Hon. *Samuel Phillips, jun. Esq*; and others, the Committee for the sale of Eastern Lands, the sum of *Six hundred pounds*, they to be accountable for the expenditure thereof, and to lay their accounts before the General Court, on the second Wednesday of their next sitting, at which time the General Court will take into consideration a suitable allowance for the services of said Committee.

Also *Resolved*, That said Committee be directed to lay out the township granted to *Aaron Chamberlin* and others, in the same manner they are directed to lay out other townships, *viz.*: not to make any allowance for ponds and bogs.

December 1, 1785.

Chapter 150.

RESOLVE REQUESTING THE GOVERNOR, WITH ADVICE OF COUNCIL, TO TAKE ORDER FOR THE COMPLETION OF THE BONDS REQUIRED OF NATHANIEL APPLETON, ESQ; CONTINENTAL LOAN OFFICER, AND FOR QUALIFYING HIM. *Chap.150*

Resolved, That the Governor, be, and he hereby is, requested with the advice of Council, to take such order for the completion of the bonds required of *Nathaniel Appleton*, Esq; Commissioner of the Continental Loan Office within this Commonwealth, and for qualifying him to act in the said office, as he shall judge necessary.

December 1, 1785.

Chapter 151.

ORDER, APPOINTING A COMMITTEE TO WAIT ON HIS EXCELLENCY THE GOVERNOR, WITH AN ANSWER TO HIS EXCELLENCY'S SPEECH, &c. *Chap.151*

In SENATE, *December 1, 1785.*

Ordered, That *Charles Turner* and *Ebenezer Bridge*, Esquires, with such as the honourable House shall join, be a Committee to wait on his Excellency the Governor, with the following answer to his Excellency's speech; and that said Committee be instructed to request his Excellency to adjourn the General Court, to the first Wednesday in *February* next.

Sent down for concurrence.

SAMUEL PHILLIPS, jun., President.

In the HOUSE OF REPRESENTATIVES, *December 1, 1785.*

Read and concurred, and Mr. *Breck*, Mr. *Warner*, and Mr. *Goodman*, are joined.

NATHANIEL GORHAM, Speaker.

To his Excellency JAMES BOWDOIN, Esquire, Governor of the Commonwealth of Massachusetts.

MAY IT PLEASE YOUR EXCELLENCY,

The two Branches of the Legislature, met your Excellency at the time of the late adjournment, with a full confidence, that during the recess, (the first since your Excellency's administration of the Executive department of Government) a just attention had been paid to those

important matters, which the Legislature had entrusted to your care, as well as those, which naturally fell within the line of your duty : — Their expectation has by no means been disappointed.

Your Excellency's Speech communicated to the Legislature the measures that you had taken, to carry into effect the Acts and Resolutions of the General Court in their preceding session ; and also, such other matters as by the Resolutions of Congress, called for their attention : and, after having given a concise view of the state of our Finances, suggested such measures, as appeared to you likely to put them on a more respectable footing. These communications were made in a plain and intelligent manner, as became a Republican Governor ; and your Excellency will not expect a reply, in any terms, but such as becomes a free, independent and Republican Legislature ; whose duty it is, to watch over the conduct of the highest Servants of the Commonwealth, — to testify their approbation of their conduct, when it merits it, as well as their disapprobation, when otherwise.

The embarrassed situation of the commerce of *America*, and of this Commonwealth in particular, made it necessary, that some decisive measures should be taken relative to this subject : these measures will not have the full effect desired, unless our sister States join with us in the pursuit of so desirable an object. To impress them on that head, your Excellency's letters appeared to be well adapted ; and state with strict propriety, the importance of a coincidence of measures, to be produced by a sense of common difficulty, and mutual affection.

The attention which your Excellency has paid to the Finances of the Commonwealth, we cannot omit to recognize. It is by a knowledge of this business, and an investigation of the public resources to supply the necessary means of supporting the credit of the Government, that the greatest good may be derived to the community. This knowledge and investigation, can be obtained and pursued with so great advantage, by a person in your Excellency's situation, that we flatter ourselves, your Excellency will persevere in the pursuit.

The requisitions of Congress, and the state of the particular debt of this Commonwealth, have been under the consideration of the General Court ; but as the business of valuation has been in hand at this sitting, and not

yet fully completed; and as this was necessary to be settled, before new and important taxes could be assessed on the people, no decisive measures have yet been taken on those requisitions: After a short recess, they will be seriously taken up, and we doubt not, this State will still manifest their readiness to adopt every measure, which is calculated to promote the general Union, and the credit of the United States.

Your Excellency will find, that such further measures, as were deemed necessary, have been taken for numbering the inhabitants of the Commonwealth.

The state of the Militia has been attended to by the Legislature, and an act has been passed to render it respectable.

The Legislature strongly feel the danger and impropriety of individuals, or bodies of men, attempting to dismember the State. — The social compact, solemnly entered into by the people of this Commonwealth, ought, we conceive, to be attended to, and guarded with the utmost care; and it shall ever be the aim of this Legislature, to prevent any infractions upon it, and preserve it entire; and should further legislative Acts become necessary for those purposes, the Legislature will in a future session, make them the subject of their deliberation.

The union of the several Branches of the Legislature, with the Supreme Executive, in all measures that concern the public welfare, is at all times, a most desirable object; the exercise of the utmost constitutional Freedom, in deliberating on those measures, is the most probable means to produce that union, while the views of those concerned in the public departments, are pointed to the good of the whole. The happy union which has subsisted between your Excellency and the Legislature, gives us great satisfaction, as being founded on this basis; and as we doubt not your Excellency will continue in these views, we hesitate not to assure you of every constitutional support of the Legislature.

RESOLVES

OF THE

GENERAL COURT OF THE COMMONWEALTH OF MASSACHUSETTS:

TOGETHER WITH

THE MESSAGES OF HIS EXCELLENCY THE GOVERNOR
TO THE SAID COURT:

BEGUN AND HELD AT BOSTON, IN THE COUNTY OF SUFFOLK, ON WEDNESDAY THE 25TH DAY OF MAY, ANNO DOMINI, 1785; AND FROM THENCE CONTINUED, BY ADJOURNMENT, TO WEDNESDAY THE FIRST DAY OF FEBRUARY, 1786.

1785. — FEBRUARY SESSION.

Chapter 1.

RESOLVE ON THE PETITION OF LUCY LOOMER, DIRECTING THE
TREASURER TO PAY THE WAGES DUE TO HER LATE HUSBAND. Chap. 1

On the petition of Lucy Loomer, of Partridgefield, praying that the Treasurer may be directed to pay to the said Lucy Loomer the whole of the bounty or wages that may be found due to Joseph Loomer, late of Partridgefield, deceased, husband to the said Lucy Loomer, the said Joseph having been a soldier in the three years service, in Colonel Shepard's regiment, the same having been drawn by a forged order notwithstanding:

Resolved, That the prayer of the petition be granted, and that the Treasurer be directed to pay to the said Lucy Loomer the whole of the bounty or wages that appears to be due to the said Joseph Loomer, husband to the aforesaid Lucy Loomer, late of Partridgefield, deceased.

February 3, 1786.

Chapter 2.

Chap. 2

MESSAGE FROM THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

It is a misfortune that the valuation could not be completed before, or at the last meeting of the General Court, as you thought the completion of it necessary to precede a compliance with the requisitions of Congress.

On the subject of those requisitions, I have received from the Board of Treasury another letter, dated the 16th of *December* last, in which the Commissioners say, that the funds in the treasury are scarcely sufficient to defray the daily incidental charges; that they are called upon to make provision for the payment of the foreign interest, which becomes due in the month of *February*, and in *June* and *November* next; that the effecting of this must depend on the immediate and vigorous exertions of the several States, to pay up the specie proportions required by the requisitions of the last and present year; and that without such payment, our credit with *Holland* in particular (which we are bound, from motives of interest as well as honour, to cherish with the nicest circumspection) will be inevitably destroyed. To the same purpose, Gentlemen, are the letters which at your last meeting were communicated to you by messages of the 24th of *October* and 3d of *November*, and to which you will please to be referred. As I cannot doubt your readiness to comply with the requisitions of Congress, and also to provide for the regular discharge of our own particular debt, there can be no occasion to add any thing to induce you to make ample provision for those purposes: especially as in the address with which you lately honoured me, you were pleased to signify, that after the recess those matters would be seriously taken up, and every measure adopted, which is calculated to promote the general union and the credit of the United States.

With regard to the requisition of the 27th of *September* last, there are several things to be attended to respecting Loan Office certificates for interest, in which certificates a part of the requisition may be paid, but which, by the Congress ordinance, cannot be granted by the Loan Officer, until the legislature of the State has adopted the requisi-

tion, and made provision for the payment of it; and when granted, they cannot be received for the requisition-tax after the first of *January* next; after which time, whatever part of such tax remains unpaid, must be wholly paid in specie. On this subject, the Loan Officer for this State lately wrote me a letter; which, as it contains several observations founded on those circumstances, and worthy of notice, will be delivered to you by the Secretary.

Your further attention to the militia is necessary, Gentlemen, for completing the list of Major Generals. Of the nine required by the last Militia Act, you have elected seven; to whom the Secretary has sent letters, notifying them of the election. Answers have been received from only three of those gentlemen, viz.—General *Lincoln*, Colonel *Brooks*, and *Ichabod Goodwin*, Esq. The two former will probably, in a few days, declare their mind: and the latter, relying on the candour of his country, accepts the appointment.

By the answer of General *Lincoln*, who was (as they each were) requested by the Secretary's letter to give his opinion relative to the best plan for regulating the militia in his division, he thinks there should be a meeting of the Major Generals, for the forming such a plan, and that the regulations of it should be uniform; and as far as might be, take place through all the divisions: being first approved and ordered by the Governor.

This appears a judicious measure, and for executing of it, and that the militia throughout the Commonwealth may speedily be put on a respectable footing, you will please to complete the number of Major Generals required by the Militia Act. For which purpose, and that no time may be lost, I would recommend, that effectual care be taken, that you should obtain the speediest information from the gentlemen elected, whether they accept the choice or not, that the place of such as decline an acceptance may, as soon as possible, be supplied.

Permit me, Gentlemen, to remind you of several matters, that have already been recommended to your consideration, the heads of which I shall only mention: referring you to the messages relative to them for fuller information. Those are, a revision of the impost and excise, and separating them so that each may be in a distinct act: recommended in a message of the 22d of *October* last.

The representation of our State Agents to support our claim against *New York*, to lands lying west of *Hudson's River*, laid before you for your instructions to them, by message of the 28th of *October*.

The copying of several old plans and papers, which are in a very worn and decayed condition, and of great importance to ascertain some of the boundary lines of this State: also the ascertaining of *Woodward's* and *Saffery's* station, on which those lines depend: recommended in the same message.

The renewing the powers of our Delegates in Congress, (which ceased the 16th of *November* last) relating to the interfering claims of this State and *New York*: recommended by a message of the 18th of *November*.

To oblige the regimental agents of the *Massachusetts* Line of the late *American* army to deposit (as they have been directed) the certificates which the Paymaster General lodged with them, of the pay of our officers and soldiers: recommended by message of the 19th of *November*.

Beside the foregoing, there are other matters, Gentlemen, that require your consideration; and which I shall lay before you by message.

With the above mentioned letter from the Commissioners of the Treasury was enclosed a general account of the receipts and expenditures of the United States, from the 1st of *November*, 1784, to the 1st of *November*, 1785: which account, with the letter, is sent for your information.

I have just received a letter from *David Cobb*, Esq; the elected Major General for the fifth division of the militia. He declares his acceptance of the appointment, and that government may depend on his best exertions in their service.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 3, 1786.*

Chapter 3.

Chap. 3 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

During the recess of the General Court, there have happened two vacancies in the revenue department; one by death, and the other by resignation.

The first is in the Naval Office at *Marblehead*, occasioned by the death of *John Gerry*, Esq; late Naval Officer for that port.

The other is in the Excise Office, occasioned by the resignation of Mr. *Thomas Ives*, Collector of Excise for the county of *Berkshire*.

His letter to me of the 13th of *December*, in which he only begs leave to resign, contains the reasons of his so doing. But by his letter to the Treasurer of the same date, he very explicitly resigns his office, and gives up the duties of it from that day.

The Council being under an adjournment, another person could not then be appointed in his stead: the Treasurer was therefore directed to acquaint him, that he must continue in the exercise of his office, until the General Court, at their then next meeting, should appoint a person to succeed him; but to the Treasurer's letter no reply has been received.

As resignations so abrupt may operate to the detriment of the public revenue, and be of evil example, you will probably think proper to provide some remedy for preventing them in future.

The letters relative to this business will be laid before you; concerning which, as well as the vacancy in the Naval Office, you will take such measures, Gentlemen, as shall appear to you most suitable.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 3, 1786.*

Chapter 4.

RESOLVE APPOINTING *ABNER HOLDEN*, ESQ; A COMMITTEE TO EMPLOY A SURVEYOR TO ASCERTAIN THE BOUNDS OF CERTAIN LANDS LYING BETWEEN *WESTMINSTER* AND *FITCHBURG*, BELONGING TO THIS COMMONWEALTH.

Chap. 4

Whereas it has been represented to this Court, that there is a tract of land, the property of the Commonwealth, lying between Westminster and Fitchburg, in the county of Worcester, which if disposed of, might be of some advantage to the Commonwealth: Therefore

Resolved, That *Abner Holden*, Esq; be, and hereby is, appointed a Committee and empowered to employ a surveyor to ascertain the bounds and return a plan of said

land into the Secretary's office as soon as may be, and to make report of his doings at the next sitting of this Court.

February 6, 1786.

Chapter 5.

Chap. 5 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The design of this message is to lay before you, for your consideration, a short correspondence by letters, which in *August* last took place between Captain *Stanhope*, of the *British* frigate *Mercury*, and me: also my letter to our Delegates on the subject of it, and the consequent resolution of Congress.

As those letters fully shew the occasion on which they were written, it is needless to repeat it here.

Though the insult contained in the said *Stanhope's* letters more immediately refers to the government of this State, it was apprehended that it affected the honour of the United States: especially as it had been given by an officer who had lately been their public commissioned enemy, and was then the Commander of a ship of war belonging to a power with which the United States had a little time before settled a treaty of peace. The letters were therefore sent to our Delegates and laid before Congress for their consideration: Congress viewing the matter in the same light, passed the resolution above referred to, and have transmitted to their Minister in *London* a copy of that resolution and of those letters, together with instructions to him on the subject: so that this business is in a proper train for obtaining national satisfaction.

You will observe, Gentlemen, by the report on which the resolution was founded, it is declared that Captain *Stanhope's* letters were highly disrespectful, and being so, that such measures might have been adopted as the laws prescribe for asserting the dignity of government in such cases. That government, when in the right, should never be opposed or ill treated with impunity: for which end, its own internal power (in such case as the present) is or ought to be adequate.

In this paragraph is an intimation that some legal process should have been instituted for asserting the dignity of government. But this could not be done, as Captain *Stanhope* very prudently put himself out of the way of it, by proceeding with his ship down to *Nantasket* as soon as he had sent his first insolent letter. Had he however continued in *Boston*, there would have been a difficulty in regard to the mode of process: for the removal of which, and for settling a due process in any like case that may happen in future, the Judges of the Supreme Judicial Court, the Attorney General and other distinguished gentlemen of the law, were consulted: who, after a full discussion of the subject, all agreed that some special provision was necessary to be made for that purpose by the legislature.

I have only to observe, Gentlemen, that unless such provision be made, it may be expected, whenever an opportunity for it shall offer, that the same man, or others of a like disposition, will be encouraged to insult the government of the Commonwealth, the honour of which is so intimately connected with your own, that in cases like the present they are inseparable.

What will be an adequate provision for the purpose, your wisdom, Gentlemen, will determine.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 7, 1786.*

Chapter 6.

RESOLVE ON THE PETITION OF *ELIAS HASKET DERBY*, DIRECTING THE IMPOST OFFICER FOR *SUFFOLK* COUNTY, AND THE NAVAL OFFICER FOR *BOSTON*, TO ADMIT CAPTAIN *ICHABOD NICHOLS* TO A POST ENTRY.

Chap. 6

On the petition of Elias Hasket Derby, praying, for reasons set forth in his petition, that Captain Ichabod Nichols, master of his brigantine Nancy, may be admitted to a post entry of the adventures on board said brigantine:

Resolved, That the Collector of Impost and Excise for the county of *Suffolk*, and the Naval Officer for the port of *Boston*, be, and they are, hereby empowered and directed to admit Captain *Ichabod Nichols* to a post entry of the adventures on board the brigantine *Nancy*, whereof he is master; any law to the contrary notwithstanding.

February 8, 1786.

Chapter 7.

Chap. 7 RESOLVE EMPOWERING THE GOVERNOR TO APPOINT INSPECTORS OF POT AND PEARL ASH IN SUCH TOWNS AS MAY BE NECESSARY.

On the petition of James Prescott, Esq; and others, praying that an inspector of pot and pearl ashes may be appointed to reside in the town of Groton :

Resolved, That the prayer of the petition be granted, and his Excellency the Governor, with the advice of Council, is hereby authorized and requested to appoint some suitable person, resident in the town of *Groton*, to be an inspector of pot and pearl ashes, agreeable to the laws of this Commonwealth. And as it is represented to this Court, that it is necessary that inspectors of pot and pearl ash should be appointed in other parts of this Commonwealth than is by law provided :

It is further Resolved, That the Governor, with the advice of Council, be, and he is, hereby authorized to appoint inspectors of pot and pearl ash in such other towns in this Commonwealth as he shall judge necessary.

February 8, 1786.

Chapter 8.

Chap. 8 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

Mr. *John Noyes*, who has lately returned from *Europe*, was with me a few days ago, and acquainted me, that while there, he employed the greatest part of his time in endeavouring to inform himself in several branches of manufacture in iron; that he had gained a thorough knowledge of those branches; and that if he and his partner, Colonel *Revere*, could obtain sufficient encouragement from the legislature, they would erect works for carrying them on to some considerable extent.

That he also had a perfect knowledge of the machines used in *Europe* in manufacturing iron and steel; and was well informed in the construction and use of the new invented steam engine, very necessary in those operations; and which may be advantageously employed in many others.

In consequence of this conversation, I yesterday received a letter from them to the same purpose: which, with a letter to me from the Hon. Mr. *Adams*, our minister in *London*, recommending Mr. *Noyes*, and his project of introducing some new manufactures, will be communicated to you.

Circumstanced as we are at present, it is highly necessary we should encourage every useful and practicable manufacture; especially that of iron; which, in point of usefulness and practicability, may vie with any.

As this manufacture, connected with the proposed improvements upon it, may be extremely beneficial to the Commonwealth, I do with great earnestness recommend the proposal for its establishment, to your favourable consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 8, 1786.*

Chapter 9.

RESOLVE ON THE PETITION OF *RALPH MANN*, GRANTING HIM *EIGHT POUNDS THIRTEEN SHILLINGS AND THREE PENCE*, FOR A COMPENSATION IN COMMITTING TO GOAL ONE *MOSES POND*. *Chap. 9*

On the petition of Ralph Mann, praying for a compensation for apprehending and committing to goal one Moses Pond, who was charged with passing counterfeit continental sixty dollar bills in the year 1780:

Resolved, That there be allowed and paid out of the public treasury, to the said *Ralph Mann*, the sum of *Eight pounds, thirteen shillings and three pence*, in full for the said service.

February 9, 1786.

Chapter 10.

RESOLVE GRANTING *NINETY-SIX POUNDS THIRTEEN SHILLINGS AND FOUR PENCE* TO *SAMUEL WOODSOM*, FOR WAGES, &c. WHILE A PRISONER. *Chap. 10*

On the petition of Samuel Woodsom, praying for payment of wages for his service in the Continental army and during his captivity, and also in allowance for cloathing:

Resolved, That the said petition be so far granted, as that there be allowed and paid out of the public treasury of this Commonwealth, to the said *Samuel*, the sum of

Ninety-six pounds, thirteen shillings and four pence in government securities, in the same manner as the officers and soldiers of the Massachusetts Line of the army were paid their wages for the year 1780, and that the said sum be charged to the United States of America.

February 9, 1786.

Chapter 11.

Chap. 11 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I sent you a message the 24th of *November* last, relative to the encroachments, which the government of the new *British* province of *New Brunswick* were disposed to make on the territorial rights and sovereignty of this Commonwealth and of the United States. Since which a letter has been received from *James Avery*, Esq; our excise officer at *Machias*, dated the 24th of *December* last: in which he mentions he had just received advice from *Pussamaquoddy*, that Mr. *Wier*, the High Sheriff for *Charlotte* county, in that province, a few days before went on to *Moose Island*, and took the body of Mr. *Tuttle*, deputy Collector of Excise, on an action of debt; and told him he must either find bail, or be carried to goal at *St. Andrews*. Upon Mr. *Tuttle's* informing the sheriff, that he considered himself a subject of this State, and should not regard him as an officer, the sheriff called on some of the inhabitants to assist him to carry Mr. *Tuttle* to goal; but they refusing, he informed them he should go to the neighboring island of *Campo Bello*, and get assistance from the ship lying there; being determined to carry the said *Tuttle* to goal; and that orders had come from *St. John's* to exercise jurisdiction over the inhabitants of *Moose Island*.

This account is in part confirmed by a letter communicated to me by *Leonard Jarvis*, Esq; who, as he has lately been in that country, can give information concerning the circumstances of it.

Mr. *Avery* concludes his letter with expressing his hope, that government will take steps to prevent its subjects from being insulted by a foreign power, and being liable to be dragged away by armed force.

In my former message on this subject, I acquainted you, Gentlemen, that Congress had been made acquainted with all the proceedings referred to in that message, and had sent an account of them to the minister of the United States in *London*.

This affair, Gentlemen, merits your serious consideration.

Mr. *Avery's* letter, which will be laid before you, mentions several things respecting the duty of his office; and of that of the Naval Officers within his district: which may also require your consideration.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 10, 1786.*

Chapter 12.

RESOLVE APPROVING OF THE REPORT OF A COMMITTEE APPOINTED BY A RESOLVE OF THE 18TH OF MARCH, 1783, TO TREAT WITH LADY MARY PEPPERELL AND HER DAUGHTER, RESPECTING CERTAIN LANDS MENTIONED: AND APPOINTING A COMMITTEE TO COMPLY WITH THE TERMS.

Chap. 12

Whereas the Committee appointed by a resolve of the 18th of March, 1783, to treat with Lady Mary Pepperell, and her daughter, on the subject of their right to certain unimproved lands, have reported, that they find large tracts of land in the predicament mentioned in the said resolve; that Sir William Pepperell deceased, died seized of the said lands; that by a clause in his last will, all his lands in the township of Biddeford, (which at that time included Pepperellborough) and all his lands in Scarborough, after the death of his wife and daughter, he devised in fee-tail to his grandson William Pepperell Sparhawk, (now called William Pepperell) with divers limitations over, in case of failure of issue, as by said will may more fully appear: and other unimproved lands by another clause in the said will, after the death of the said Lady Pepperell and Madam Sparhawk, he, the said Sir William deceased, devised to his said grandson in fee-simple; all which right, title and interest in the lands so devised by the said Sir William Pepperell, to his said grandson, has been declared forfeit, and has escheated and accrued to this Commonwealth; that great strip and waste has been made on the timber and wood on the said lands, without the privity or consent, and against the will and inclination of the said Lady

Pepperell and Madam Sparhawk, and that the same are liable to be pillaged of the remaining growth upon them. And whereas John Sparhawk, Esq; agent for the said Lady Pepperell and her said daughter, in their behalf, has made the following proposal, viz.: that the said Lady Pepperell, and her said daughter, will release and forever quit claim to the Commonwealth of Massachusetts, all their interest in the unimproved lands referred to in said resolve, upon their receiving from the said Commonwealth, a deed to them and their heirs in fee-simple, of two ninth parts in quantity and quality of the lands aforesaid, to be agreed upon, assigned and set off to them to the mutual satisfaction of the said Lady and her daughter, and such Committee as the General Court may see cause to appoint. And whereas the said Committee have further reported as their opinion, that it will be for the benefit of this Commonwealth to accede to the said proposal:

Resolved, That the General Court do approve of the said report and proposal, and that the Honorable Benjamin Chadbourn, David Sewall and Nathaniel Wells, Esquires, be, and hereby are, appointed a Committee on behalf of this Commonwealth, to comply with the terms aforesaid, with full power to assign and set off, and to make and duly execute a good deed or deeds of two ninth parts of the lands aforesaid, to them, the said *Lady Mary Pepperell*, and her daughter *Sparhawk*, to hold in fee-simple: provided that the said *Lady*, and her said daughter, shall previously release and quit claim all their right and interest in, and demands on, the lands aforesaid, and make and execute a good deed or deeds thereof, to this Commonwealth, and deliver the same to the said Committee. And the said Committee, or any two of them, after partition shall be made, and the deeds aforesaid duly executed and delivered, are empowered to sell all such parts of the lands aforesaid, as by virtue of such deeds as aforesaid, shall belong to this Commonwealth, either at private sale or public auction, for the most they can get, in consolidated notes of this Commonwealth, saving three per cent. which may be received in money. And the said Committee are hereby fully empowered, in the name and on the behalf of this Commonwealth, to make and duly execute according to law, good and sufficient deeds of all the lands which they may sell as aforesaid, to the grantee or grantees; to hold the same in fee with warranty. And the said Com-

mittee are permitted to give such credit to the grantees, as may appear to them most for the interest of the Commonwealth, and are directed to pay all sums which they may receive in consequence of this resolve into the public treasury of this Commonwealth, saving only so much as may be necessary to defray the expences that may arise in transacting the business hereby assigned to the Committee aforesaid; and to take duplicate receipts therefor, one of which to be lodged in the Secretary's office. And the said Committee are directed from time to time to lay their accounts before the General Court for examination and allowance.

February 11, 1786.

Chapter 13.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Chap. 13

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The letter from our Delegates of the 31st of *December*, will inform you, that they, in conjunction with the Delegates of *New York*, had written a joint letter to each of the gentlemen appointed by Congress Commissioners to run the eastern boundary line of the State of *New York*, adjoining to this State, requesting the acceptance of the appointment, and assuring them, that satisfactory compensation should be made them for their services.

By the answers of those Commissioners, it appears they accept the appointment, and will attend the business of it in *July* and *August* next.

Their names, which the act of Congress of the 2d of *December*, announces, are, Mr. *Thomas Hutchins*, Mr. *John Erving* and Mr. *David Rittenhouse*.

The joint answer of the two latter gentlemen mentions, that it will be necessary for them to be informed something concerning the agreement of the two States, and what the nature of the work may be, that they may prepare the instruments suitable to it. That as they will not be able to attend to any other business than that of making the necessary observations, and marking the boundary line, they expect the Delegates of the respective States will provide a Commissary, who shall be on the spot where the operations are to commence, about the beginning of *July*, with the necessary provisions, tents, and other articles, that no delay may be occasioned when they arrive.

These matters, together with the measures proper to be taken by the two States, are by the letter from our Delegates submitted to your consideration and direction: and they will attend to any further arrangements relative to this subject, with the Delegates or agents of *New York*, that you may think proper and expedient.

The several papers above referred to, will accompany this message, concerning which you will take such measures, Gentlemen, as shall appear to you fit and expedient.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 11, 1786.*

Chapter 14.

Chap. 14 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate* and Gentlemen of the *House of Representatives*,

By the returns made into the Secretary's office of the number of inhabitants in the several towns and plantations in this Commonwealth, pursuant to an act and resolution of the legislature, it appears there are three hundred and fifty-two thousand, one hundred and seventy-one whites, and four thousand three hundred and seventy-one blacks: the particulars of which you will observe by the account taken of them by the Secretary from those returns. As neither the act or resolution contains any order for transmitting such account to Congress, you will please, Gentlemen, to give the needful directions for that purpose, expressing your mind, whether a copy of that act and resolution shall be sent with that account.

I have received letters from the Secretary of Congress, which will be laid before you, enclosing a state of the representation of the United States in Congress, for each of the months of *November*, *December* and *January* last, by which it appears, that no more than seven States have at any time in those months been represented: a circumstance much to be regretted, as such a representation, according to the confederation, is not competent to transact business of importance. We have however the satisfaction of knowing that this deficiency is in no part of it attributable to this Commonwealth.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 14, 1786.*

Chapter 15.

RESOLVE ON THE PETITION OF NEHEMIAH RAND, DECLARING
NULL AND VOID A JUDGMENT AND AN EXECUTION ISSUED
THEREON; AND DIRECTING THE CLERK OF THE COURT OF
COMMON PLEAS IN THE COUNTY OF MIDDLESEX IN THIS
CASE. Chap. 15

Upon the petition of Nehemiah Rand, setting forth that a judgment was unduly obtained against him at the Court of Common Pleas holden at Concord, within and for the county of Middlesex, on the second Tuesday of September last, by Oliver Prescott, Esq; Judge of Probate for the said county, for the sum of Four hundred pounds, and the said Oliver Prescott, Esq; having in writing signified that he is content that the same judgment should be set aside, and a new trial thereupon granted.

Resolved, That the prayer of the said petition be granted; and that the said judgment and any execution or executions thereupon issued, are declared null and void; and that the Clerk of the Court of Common Pleas, be, and he hereby is, directed to bring the same action forward, upon the docket of the same Court; and that the parties to the same action have day thereon at the next Court of Common Pleas to be holden at *Concord*, within and for the said county of *Middlesex*, on the second Tuesday in *March* next, and shall then and there be entitled to all pleas and benefits of a trial, in the same manner as if the judgment aforesaid had not been given.

Provided, That the said *Rand* serve the said *Oliver Prescott* with an attested copy of this resolve fourteen days before the sitting of the same Court. *February 14, 1786.*

Chapter 16.

RESOLVE NOT ADMITTING ANY APPLICATION FOR THE PAY-
MENT OF WAGES DUE TO SOLDIERS DRAWN BY FORGED
ORDERS, AFTER THE FIRST OF DECEMBER NEXT, AND DI-
RECTING THE SECRETARY TO PUBLISH THIS RESOLVE. Chap. 16

Whereas wages due to soldiers, late in the public service, have in many instances been drawn out of the treasury of this Commonwealth by forged orders; and applications have been frequently made to the General Court, for payment of the wages drawn as aforesaid, the detection of which frauds, have been rendered very difficult, on account

of unreasonable delays in making application for relief, It is therefore

Resolved, That no application to the General Court for the payment of wages, drawn by forged orders as aforesaid, shall, after the first day of *December* next, be admitted.

And the Secretary is hereby directed to publish this resolve, in the *Independent Chronicle, Massachusetts Gazette, the Newbury Port, Falmouth, Worcester, Springfield* and *Plymouth* newspapers, for the space of six weeks.

February 15, 1786.

Chapter 17.

Chap. 17 RESOLVE ON THE PETITION OF JAMES ATHEARN, ESQ; OF TISBURY, EMPOWERING HIM TO TAKE POSSESSION OF THE HOUSE MENTIONED.

On the petition of James Athearn, Esq; of Tisbury, in the county of Dukes County and Commonwealth aforesaid, setting forth, that in the year of our Lord, one thousand seven hundred and seventy, on the request of Joash Panue, Indian man, on the Gay Head, in the county aforesaid, to build him a dwelling house after the English manner; and it appearing to this Court that the said Athearn did build a small house for the said Indian, amounting to Twenty-seven pounds, seven shillings and eight pence, for which he has received only Eight pounds: Therefore

Resolved, That the prayer of said petition be granted, and the said *James Athearn* is hereby authorized and empowered, to take possession of said house, and convert it to his own use, or improve said house where it now standeth, with one fourth part of one acre of land adjoining said house.

February 15, 1786.

Chapter 18.

Chap. 18 RESOLVE ON THE PETITION OF SETH STONE, DIRECTING THE TREASURER TO RECEIVE THE BILLS MENTIONED, AND GIVE HIM A RECEIPT FOR THE SAME.

On the petition of Seth Stone, one of the Collectors of taxes for the town of Medford in the year 1780, praying that a sum of the old continental bills, now in his hands, which he received for taxes within the time limited for receiving the same, may be received into the treasury of this Commonwealth; for reasons mentioned in said petition.

Resolved, That the Treasurer, be, and he is, hereby

directed to receive of the said *Seth Stone*, the said bills, amounting to *Seventeen thousand, nine hundred and four dollars*; and give him a receipt for the same, in discharge of the said tax, any law or resolve to the contrary notwithstanding.

February 15, 1786.

Chapter 19.

RESOLVE ON THE PETITION OF *HANNAH BURNAM*, EMPOWERING HER TO SELL PART OF THE TWO LOTS OF LAND MENTIONED. Chap. 19

On the petition of Hannah Burnam, praying that she may be empowered to sell certain lands in Bridgetown; for reasons set forth in said petition:

Resolved, That Hannah Burnam, administratrix on the estate of Reuben Burnam, late of a place called Bridgetown, in the county of Cumberland, her late husband deceased, be, and she hereby is, empowered to sell part of two lots of land in said Bridgetown, which the said Reuben in his life time, bought of Richard Peabody, and to make and execute a deed or deeds of sale, and conveyance of the same, she observing the rules and directions of the law, for the sale of real estate by executors and administrators, and first giving bonds to the Judge of Probate for the county of Cumberland, that the proceeds of the sale shall be disposed of according to law.

February 20, 1786.

Chapter 20.

RESOLVE FOR DISCHARGING GUARDS AT THE MAGAZINE IN BOSTON. Chap. 20

Whereas it appears to this Court that it is unnecessary to continue the guards now doing duty at the Magazine in Boston:

Resolved, That the Commissary General, be, and he hereby is, directed to discharge the said guards from any further service at the Magazine aforesaid.

February 20, 1786.

Chapter 21.

RESOLVE ON THE PETITION OF *SAMUEL FISK*, AUTHORIZING THE JUDGE OF PROBATE IN MIDDLESEX COUNTY, TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIM MENTIONED. Chap. 21

On the petition of Samuel Fisk, as administrator on the estate of William Smith, deceased, praying that the Judge

of Probate, for the county of Middlesex, may be empowered to grant a further time to the Commissioners appointed to receive and examine the claims of the creditors of the estate of Braddyl Smith, Esq; late of Weston, deceased, represented insolvent, that thereby he may have an opportunity to exhibit a claim against said Braddyl's estate, as administrator on the estate of said William Smith :

Resolved, That the prayer of said petition be granted, and that the Judge of Probate of Wills, for the county of Middlesex, be, and he is, hereby authorized and empowered, on application, to appoint Commissioners to examine the claim of the said Samuel Fisk, as administrator on the estate of the said William Smith, for the term of one month from the time of their appointment for the purpose aforesaid, that he may have an opportunity to exhibit his claim within the term mentioned ; any law to the contrary notwithstanding.

February 20, 1786.

Chapter 22.

Chap. 22 RESOLVE GRANTING A TAX OF THREE HUNDRED AND EIGHTY-FOUR POUNDS THREE SHILLINGS AND FIVE PENCE, TO BE APPORTIONED AND ASSESSED ON THE POLLS AND ESTATES WITHIN THE COUNTY OF BARNSTABLE.

Whereas it appears, from an estimate of the Justices of the Court of General Sessions of the Peace for the county of Barnstable, that the sum of Three hundred eighty-four pounds, three shillings and five pence will be necessary for defraying the charges of the said county, for one year next ensuing the first Tuesday of December last :

Resolved, That there be, and hereby is, granted a tax of Three hundred eighty-four pounds, three shillings and five pence, to be apportioned and assessed on the polls and estates within the said county of Barnstable, and collected, paid and applied for the use of said county, agreeably to the laws of this Commonwealth.

February 20, 1786.

Chapter 23.

Chap. 23 RESOLVE ON THE REPRESENTATION OF JOHN LUCAS, ESQ; IN BEHALF OF EDWARD BATES, A SOLDIER, ENTITLING HIM TO AN ANNUAL PENSION EQUAL TO THREE-FOURTH PARTS OF THE PAY OF A SOLDIER, TO COMMENCE 1ST JANUARY, 1780.

On the representation of John Lucas, Commissary of Pensioners, in behalf of Edward Bates, a soldier in the seventh Massachusetts regiment :

Resolved, That the said *Edward Bates*, be, and he hereby is, entitled to an annual pension, equal to three-fourth parts of the pay of a soldier, to commence on the first day of *January*, 1780, and continue till the further order of this Court or of Congress. *February 20, 1786.*

Chapter 24.

RESOLVE ON THE PETITION OF *SETH WARREN* OF LANESBOROUGH. *Chap. 24*

Whereas *Seth Warren*, of *Lanesborough*, in the county of *Berkshire*, hath petitioned for a new trial in an action brought against him by one *David Ensign*, in favour of a pretended *Henry Nichols*, at the Court of Common Pleas, held in the county of *Hampshire*, in *May*, 1785, for reasons set forth in the petition, and the adverse party was notified to shew cause the second *Wednesday* of the present sitting of the General Court, why the prayer of the petition should not be granted; but although duly notified, did not appear: Therefore

Resolved, That the petition of said *Seth Warren* be so far granted, as that he shall be, and hereby is, empowered to enter his appeal in the action aforesaid, at the Supreme Judicial Court, to be holden at *Northampton*, in and for the county of *Hampshire*, on the fourth *Tuesday* of *April* next; and the same Court are hereby authorized and empowered to proceed thereon in the same manner as they might by law have done, if the said *Seth Warren* had entered his appeal in due season; any law, usage or custom to the contrary notwithstanding; and that execution in the mean time be stayed. *February 20, 1786.*

Chapter 25.

RESOLVE ON THE PETITION OF THE PARISHIONERS OF THE FIRST PARISH IN *BEVERLY*, GRANTING ONE HUNDRED POUNDS. *Chap. 25*

On the petition of the parishioners of the First Parish in Beverly, praying for an allowance for their expences in settling as their pastor, the *Rev. Mr. McKein*, in the place of the *Rev. Joseph Willard*, who was chosen and appointed *President of Harvard College*:

Resolved, That the sum of *One hundred pounds*, be, and hereby is, granted to the said parish; the said sum to be

allowed and paid out of the public treasury, to the order of the said parish, as a compensation for their expences aforesaid.

February 21, 1786.

Chapter 26.

Chap. 26 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The extravagant importation of foreign manufactures, since the conclusion of the war, has greatly injured our own, particularly those in wool.

The quantity of woollens imported, their superior fabric, and the cheapness of them, have not only in a great measure put a stop to our looms, and to the several other modes of manufacturing our wool, but have thereby been a principal cause of the decrease of sheep in this Commonwealth. — This decrease, as we are now necessitated to manufacture for ourselves, is universally felt and regretted, and it has become necessary to apply some remedy to this evil, which for several years has been a growing one. You will therefore allow me, Gentlemen, to recommend to you, to apply some effectual remedy accordingly, and at the same time to project some method, by which we may obtain models of several machines, or the machines themselves, lately invented for manufacturing woolen cloth, by the use of which there would be a saving of much labour and expence, and the cloth would be manufactured in a superior manner.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 21, 1786.*

Chapter 27.

Chap. 27 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

As the encouragement of every useful manufacture in the Commonwealth has now become necessary, it is my duty to mention to you a very important one, — so important to us, as a free and independent people, that our existence as such may depend on the establishment of

it among ourselves. — I mean the manufacture of Gunpowder.

Experience has taught us how necessary powder has been for our safety and defence : and the present state of things indicates, that a supply of it may be again necessary for the same purpose. The importance of a sufficient and constant supply, obliges me, Gentlemen, to call on you to make the needful provision for it.

Of the several methods of doing it, the establishment of a permanent manufactory within the Commonwealth, appears the most eligible. The principal and most costly ingredient in the composition, Saltpetre, may be furnished in several ways by a State factory, — by a specific tax on the State at large, payable in that article, and delivered at the factory, or by a like tax on the county wherein the factory might be established : in which last case, the Saltpetre delivered in behalf of any town should at a certain price be carried to its credit by the factory overseer, and the sum credited should discharge so much of such town's proportion of the general State Tax for the year.

A tax of this sort is not a novelty in this country : for so early as the year 1643, a Saltpetre tax, I have been informed, was laid on the then colony of *Massachusetts Bay*.

When the militia shall be arranged and settled according to the last Militia Act, there will be an annual consumption of about forty barrels of powder by the companies of artillery in the nine divisions. Some of those companies, formed by virtue of the preceding Militia Act, have already applied for the powder they are respectively entitled to, but the small quantity in the public magazines, has obliged me to suspend giving orders for the delivery of it, until the magazines shall be further supplied. This supply, Gentlemen, will depend on your pleasure, and it being a matter of great importance to the safety of the Commonwealth, you will please to give your immediate attention to it.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 21, 1786.*

Chapter 28.

Chap. 28 RESOLVE ON THE PETITION OF THE SELECTMEN OF *BARRE*, AUTHORIZING *LEMUEL OSGOOD*, ONE OF THE PRESENT CONSTABLES OF THE SAID TOWN, TO RECEIVE THE RATE BILLS, OR ESTIMATES MENTIONED, FROM THE HEADS OF SUCH CLASSES AS ARE DELINQUENT, AND ALSO TO COLLECT THE SAME FROM SUCH DELINQUENTS, IN THE WAY OTHER TAXES ARE COLLECTED.

On the petition of the Selectmen of the town of Barre, setting forth the difficulties they labour under in collecting from certain persons, their proportion of the several classes agreed to and settled at a legal town meeting, warned for the purpose of averaging the voluntary services done by a number of inhabitants of said town, more than their due proportion, during the late war with Britain, as is particularly set forth in their petition; and praying this Court would enable them to collect from said delinquents, such sums as are assessed in said classes:

Resolved, That *Lemuel Osgood*, one of the present Constables of the town of *Barre*, be, and he is, hereby authorized and empowered, to receive the rate bills or estimates made by the town, at their meeting aforesaid, from the heads of such classes as are delinquents, and also to collect the same from all such delinquents, in the way and manner which other taxes are collected, and to pay such sums so collected unto the heads of each class from whom he may receive the respective lists; which lists shall be compared with those upon record in the town's books.

February 22, 1786.

Chapter 29.

Chap. 29 RESOLVE DISCHARGING THE COMMITTEE OF ACCOUNTS FROM THREE THOUSAND POUNDS, AND GRANTING FOUR THOUSAND POUNDS TO THE SAID COMMITTEE.

Whereas it appears to this Court, that the Committee for examining and passing accounts have accounted for the expenditure of the sum of Three thousand pounds, granted by this Court in November last, and that a further sum of money is necessary to be appropriated for payment of such accounts as have been or may be allowed by said Committee: Therefore

Resolved, That the said Committee be discharged from the said sum of *Three thousand pounds*, and that a further

sum of *Four thousand pounds* be paid out of the treasury of this Commonwealth to the aforesaid Committee for allowing and passing accounts, said Committee to be accountable for the expenditure of the same.

February 23, 1786.

Chapter 30.

RESOLVE ON THE PETITION OF *HENRY COOLIDGE*, DIRECTING
THE JUSTICES OF THE COURT OF COMMON PLEAS, IN THE
COUNTY OF *MIDDLESEX*, TO ENQUIRE INTO THE PREMISES,
&c. *Chap. 30*

On the petition of Henry Coolidge, of Boxborough, in the county of Middlesex, representing, that at the Court of Common Pleas, held at Concord, within and for the county of Middlesex, in March last, he brought an action of covenant broken, against George Dana, of Ashburnham, in the county of Worcester, and that at the said Court of Common Pleas, in May last, judgment was rendered in favour of the petitioner; but that by accident a mistake happened, greatly to his damage, and praying the aid of this Court:

Therefore *Resolved*, That the Justices of the Court of Common Pleas, in the said county of *Middlesex*, at their next term, be, and they hereby are, fully authorized to enquire into the premises, hear the parties, and rectify any mistake they may find in the judgment aforesaid, or relative thereto, as may be for the furtherance of justice, in as ample a manner as they might have done before record, any law to the contrary notwithstanding; provided the petitioner notify the said *George*, by delivering to him, or leaving at his last and usual place of abode, an attested copy of this resolve, fourteen days at the least, before the said next sitting of the said Court of Common Pleas.

And it is further *Resolved*, If the said *George* shall attend the said Court of Common Pleas, in consequence of the aforesaid notification, he shall be entitled to his reasonable costs for such his attendance, any thing in the foregoing resolves to the contrary notwithstanding.

February 23, 1786.

Chapter 31.

- Chap. 31* RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF CUMMINGTON, APPOINTING A COMMITTEE TO REPAIR TO SAID TOWN, TO ASCERTAIN THE EAST LINE OF SAID TOWN, AND TO EXAMINE A TRACT OF LAND BETWEEN THE SAID TOWN AND GOSHEN, AND TO CONSIDER THE EXPEDIENCY OF ANNEXING SAID TRACT OF LAND TO ONE OR OTHER OF SAID TOWNS, AND TO MAKE REPORT.

On the petition of the Selectmen of the town of Cumming-ton, representing, that a dispute has arisen between said town of Cummington, and the inhabitants adjoining the east line of said town, and praying for a Committee to settle said dispute:

Resolved, That John Hastings, Samuel Taylor, and Benjamin Tupper, Esq's. be a Committee to repair to the town of *Cummington*, to ascertain the east line of said town, — to examine whether there is a tract of land lying between the towns of *Cummington* and *Goshen*, — to consider of the expediency of annexing said tract (if any there be) to one or other of said towns, — and to make a report of their doings to the next General Court, at their first session. The said town of *Cummington* to pay the expence of the said Committee. *February 23, 1786.*

Chapter 32.

- Chap. 32* RESOLVE ON THE PETITION OF JOHN THOMAS, OF MARSHFIELD, GRANTING HIM THE FEE OF HIS FATHER, NATHANIEL RAY THOMAS'S ESTATE, VESTED IN THIS COMMONWEALTH SINCE THE DEPARTURE OF MRS. THOMAS, — PROVIDED.

On the petition of John Thomas, of Marshfield, praying that such part of his father's confiscated estate, as was duly assigned and set off to his mother, Sarah Thomas, to be improved by her so long as she remained within this Commonwealth, may, since she is now departed therefrom, be vested in him in fee:

Resolved, That all such parts and parcels of the confiscated real estate, late of Nathaniel Ray Thomas, of Marshfield, as since his departure from this Commonwealth have been assigned and set off to his wife, Sarah Thomas, for her use and improvement, so long as she remained within this Commonwealth, and the fee whereof, since her departure therefrom, is vested in this Common-

wealth, be, and they hereby are, given and granted to said *John Thomas*, son of the said *Nathaniel Ray Thomas*, to have and to hold the same to him, the said *John Thomas*, his heirs and assigns forever, to his and their proper use and benefit.

Provided nevertheless, and this grant is on the following condition, That after all the avails of his said father's estate, which have been received into the public treasury, shall be drawn out therefrom to the use of the several creditors of said estate, he, the said *John Thomas*, shall pay and satisfy all such debts as shall then remain due from his said father's estate, and also such debts as may remain due on the settlement of the same.

And be it further *Resolved*, That in case any individual creditor or creditors may be willing to take the said *John Thomas's* security, in satisfaction of their whole demands against his said father's estate, in preference to drawing their proportion thereof out of the public treasury; and the said *John Thomas* is willing to secure the same, such creditor or creditors, are hereby empowered and authorized to make such compromise with said *John Thomas*, without being obliged to wait till the avails of his said father's estate are first drawn out of the public treasury, and for all such sum or sums of money which the said *John Thomas* shall thus secure to any creditor or creditors, the same shall go, and be as so much in discharge of the condition annexed to the grant aforesaid. *February 23, 1786.*

Chapter 33.

RESOLVE ON THE PETITION OF *LEVI NICHOLS*, MAKING NULL A CERTAIN JUDGMENT, AND DIRECTING THE OFFICER HOLDING THE EXECUTION TO PROCEED NO FURTHER AGAINST THE SAID *LEVI*.

Chap. 33

On the petition of Levi Nichols, shewing that the President and Fellows of Harvard University, have obtained an erroneous judgment against him, and that an execution thereon, hath issued, and he is in danger of being committed to goal. And whereas the said President and Fellows, by Jonathan Mason, jun., Esq; their attorney, do acknowledge the truths of the facts set forth in the said petition:

Resolved, That the said judgment, be, and it is, hereby made null and void, and the officer holding the said execu-

tion, on the said *Levi's* presenting him with a copy of this resolve, is directed to proceed no further against the said *Levi*, but to return the said execution, with the said copy thereto annexed.

February 23, 1786.

Chapter 34.

- Chap. 34* RESOLVE ON THE PETITION OF *FREDERICK ALBERT*, DIRECTING THE TREASURER TO RECEIVE THE SUM MENTIONED, IN OLD MONEY, IN DISCHARGING THE COLLECTION COMMITTED TO HIM.

On the petition of Frederick Albert, setting forth, that he was a Collector of taxes in the town of Lancaster for 1780, and that he had collected from said assessment, of the several persons borne on said list, the sum of Two thousand nine hundred and thirty-six pounds, ten shillings, in Continental money, before the sixteenth day of July, 1781, and before he had knowledge of any resolve of the General Court to the contrary, and that he sent the same to the Treasurer, but it could not be received for want of a certificate, which your petitioner afterwards did procure, though the said sum has never yet been received: Therefore

Resolved, That the prayer of the petition be granted, and the Treasurer is hereby directed to receive of the said *Frederick Albert* the abovesaid sum of *Two thousand nine hundred and thirty-six pounds, ten shillings*, Continental currency of the old emission, in discharge of so much of the collection committed to him to collect, he paying the cost of the execution.

February 23, 1786.

Chapter 35.

- Chap. 35* RESOLVE ON THE PETITION OF *MANASSEH DIVOLL*, DIRECTING THE JUDGE OF PROBATE FOR *SUFFOLK COUNTY* TO APPOINT COMMISSIONERS ON *RICHARD LECHMERE'S ESTATE*, &c.

On the petition of Manasseh Divoll:

Resolved, That the honourable *Oliver Wendell, Esq;* Judge of Probate for the county of *Suffolk*, is hereby empowered and directed to require the Commissioners lately appointed on the estate of *Richard Lechmere, Esq;* a conspirator, to examine the claims of *Manasseh Divoll*, administrator *de bonis non, etc.* of *Michael Tralette*, late of *Lancaster*, deceased, to whom the said *Richard Lechmere, Esq;* was executor, in order that the said *Manasseh Divoll* may receive out of the said *Lechmere's* estate what

was due to the said *Divoll* from his administration aforesaid on the estate of the said *Tralette*, whereof the said *Richard Lechmere*, Esq; was executor, the said *Lechmere* having left a sufficiency of the said *Tralette's* effects in the hands of the Commonwealth for the said purpose, the said *Manasseh Divoll* paying the expence of the commission aforesaid.

February 23, 1786.

Chapter 36.

RESOLVE ON THE PETITION OF *JONATHAN POOR*, AND OTHERS, EMPOWERING THE COURT OF GENERAL SESSIONS OF THE PEACE FOR *ESSEX COUNTY*, TO APPOINT A COMMITTEE TO BE JOINED WITH THE TRUSTEE OF THE TOLL BRIDGE OVER *PARKER RIVER*, TO EXEMPT THE PETITIONERS AND THEIR FAMILIES FROM PAYING THE TOLL REQUIRED, AND TO COMPOUND WITH THE OWNERS OF THE MAIL STAGES.

Chap. 36

On the petition of Jonathan Poor and others, setting forth the unequal and heavy burden to which they are subjected, by the toll for passing the bridge over the River Parker :

Resolved, That the Court of General Sessions of the Peace for the county of *Essex*, be, and they are, hereby authorized and empowered to appoint a Committee, to be joined with the Trustee for the bridge aforesaid, to exempt the petitioners and their respective families from paying the toll required by law, upon their engaging to maintain in repair such a part of said bridge, and for such a time, as the Committee and Trustee may think reasonable. And the said Court of Sessions are hereby further authorized, to vest the Committee and Trustee aforesaid, with the power to make the like exemption, in favour of others in the vicinity of the said bridge, who may request the same ; and likewise to compound with the owners of the mail stages for the payment of a certain sum, in lieu of the toll they would otherwise be subjected to pay for passing over the said bridge.

February 23, 1786.

Chapter 37.

RESOLVE ON THE PETITION OF THE DISTRICT OF *NEW ASHFORD*, DIRECTING THE TREASURER TO CREDIT THE SAID TOWN WITH ONE-THIRD OF THE TAXES AS SETTLED BY THE VALUATION IN 1778.

Chap. 37

On the petition of the district of New Ashford, praying that part of the taxes laid on said district may be abated, for reasons set forth in said petition :

Resolved, That the prayer of the petition be so far granted, that the Treasurer, be, and he is, hereby directed to credit the said district of *New Ashford*, one-third part of all taxes which have been laid on said district since the valuation settled in the year 1778; any law or resolve of the General Court to the contrary notwithstanding.

February 23, 1786.

Chapter 38.

Chap. 38 RESOLVE ON THE PETITION OF *BENJAMIN COLT*, EMPOWERING THE JUDGE OF PROBATE FOR THE COUNTY OF *HAMPSHIRE*, TO ORDER THAT THE SHARE OF THE SAID *BENJAMIN*, IN THE ESTATE OF *BENJAMIN COLT*, DECEASED, BE SET OFF IN SEVERALTY.

On the petition of Benjamin Colt, praying that the Judge of Probate, &c. for the county of Hampshire, may be empowered to order that his share in the estate of Benjamin Colt, late of Hadley, in the said county of Hampshire, gentleman, deceased, be set off to him in severalty, for reasons set forth in his petition:

Resolved, That the prayer of the petition be granted, and the Judge of Probate for the county of *Hampshire*, be, and he is, hereby authorized and empowered to order that the share of the said *Benjamin Colt*, in the estate of said *Benjamin Colt*, deceased, be set off to him in severalty; any law or usage to the contrary notwithstanding.

February 23, 1786.

Chapter 39.

Chap. 39 RESOLVE GRANTING *EIGHT HUNDRED POUNDS* TO BE LAID ON THE COUNTY OF *BERKSHIRE*, TO DEFRAY THE NECESSARY CHARGES OF SAID COUNTY.

On the estimate of the Justices of the Court of General Sessions of the Peace, begun and held at Great Barrington, within and for the county of Berkshire, on the second Tuesday of September, in the year of our Lord, one thousand seven hundred and eighty-five, preferred by their clerk, agreeable to an act directing the manner in which money shall be raised and levied to defray the charges which may arise within the several counties in this Commonwealth:

Resolved, That the sum of *Eight hundred pounds*, be, and it is, hereby granted to be laid on the said county of

Berkshire, to defray the necessary charges thereof, for one year next following the said 2d Tuesday of *September*, to be apportioned, assessed, collected and applied, agreeable to the said act.

February 23, 1786.

Chapter 40.

RESOLVE GRANTING A TAX OF SEVEN HUNDRED AND FIFTY POUNDS, TO BE LAID ON THE COUNTY OF WORCESTER, TO DEFRAID THE NECESSARY CHARGES OF SAID COUNTY. Chap. 40

On the estimate of the Justices of the Court of General Sessions of the Peace, begun and holden at Worcester, within and for the county of Worcester, on the first Tuesday of December last, preferred by their Clerk, according to an act, entitled “An act directing the manner in which money shall be raised and levied, to defray the charges which may arise within the several counties in this Commonwealth:”

Resolved, That the sum of *Seven hundred and fifty pounds*, be, and it is, hereby granted, to be laid on the said county of *Worcester*, to defray the necessary charges thereof, for one year next following the said first Tuesday of *December*, to be apportioned and assessed according to the said act.

February 23, 1786.

Chapter 41.

RESOLVE ON THE PETITION OF ELIJAH BACON, NULLIFYING A CERTAIN JUDGMENT, AND EMPOWERING HIM TO ENTER HIS APPEAL. Chap. 41

On the petition of Elijah Bacon, of Providence, in the State of Rhode Island, praying that a judgment might be set aside, which was obtained against him by Oliver Ware, of Wrentham, in the county of Suffolk, yeoman, for the sum of One hundred and fifty pounds, eight shillings and six pence, in an action at the Supreme Judicial Court, held at Boston, on the last Tuesday of August, Anno Domini, 1783:

Resolved, That the prayer of the said petition be granted, and that the said judgment, be, and it is, hereby nullified; and all proceedings had thereon, are hereby declared void; and the said *Bacon* is empowered to enter his appeal from the judgment of the Court of Common Pleas, held at *Boston*, in the county of *Suffolk*, on the first Tuesday of *July*, A. D. 1783, in the action afore-

said, at the Supreme Judicial Court next to be holden at said *Boston*. And the Justices of the said Supreme Judicial Court are hereby authorized and empowered to proceed in hearing and determining the said action, in the same manner as they might by law have proceeded thereon, had the same been entered at the said Court, on the last Tuesday of *August* aforesaid, and as though no judgment had been rendered by them in favour of said *Ware*.

February 23, 1786.

Chapter 42.

Chap. 42 RESOLVE ON THE PETITION OF *NATHAN ST. JOHN* AND OTHERS, AUTHORIZING THE JUDGE OF PROBATE OF *BERKSHIRE*, TO APPOINT THREE IMPARTIAL MEN FOR THE PURPOSE MENTIONED.

On the petition of Nathan St. John and others, praying that a dower might be set off to his wife Abigail, out of the estate of Caleb Smith, late of Stockbridge, deceased, as an equivalent for her dower in the estate of Joseph Hawley, late of Ridgefield, in the State of Connecticut, deceased, which she released to the said Caleb in his life time:

Resolved, That the Judge of Probate for the county of *Berkshire*, be, and he hereby is, empowered to appoint three impartial and indifferent men, and freeholders in said county, directing them to set off and assign to *Abigail St. John*, during her natural life, to be improved by her as dower, under the regulations of law, so much and such part of the real estate of *Caleb Smith*, late of *Stockbridge*, deceased, as they shall judge an equivalent to her thirds or dower in the estate of *Joseph Hawley*, late of *Ridgefield*, deceased, which she released to the said *Caleb* in his life time. The doings of said men to be allowed by the Judge of Probate, and recorded in the Probate Office for the county of *Berkshire*.

February 23, 1786.

Chapter 43.

Chap. 43 RESOLVE ON THE PETITION OF *HOBART CLARK*, ADMINISTRATOR ON THE ESTATE OF *BENJAMIN RUGGLES*, EMPOWERING THE JUSTICES OF THE COURT OF COMMON PLEAS FOR *SUFFOLK* COUNTY, TO EXAMINE WITNESSES TO SUPPORT THE IDENTITY OF THE SIGNATURE OF *SAMUEL* AND *JOSIAH RUGGLES*.

Upon the petition of Hobart Clark, administrator on the estate of Benjamin Ruggles, late of Braintree, in the county

of Suffolk, yeoman, deceased, praying that a mode may be prescribed for taking the acknowledgment of two deeds made to said Benjamin while in full life, — one by Samuel Ruggles, March 7, 1726, and one by Josiah Ruggles, October 27, 1741, both of which grantors, and all the witnesses to said deeds being now deceased :

Resolved, That the Justices of the Court of Common Pleas for the county of *Suffolk*, be, and they hereby are, authorized and empowered to hear and examine such witnesses, and receive such other evidence to the signatures of the said *Samuel* and *Josiah*, as at common law is admissible, to support the identity of handwriting ; and the said Justices upon their conviction of the authenticity of the same, are hereby authorized to cause a record of the acknowledgment of the aforesaid deeds, to be entered thereon in the same manner as though the witnesses to said deeds were now living, reference therein being made to this resolve ; which proceedings shall have the same validity as though the witnesses to said deeds were present to testify to the same.

February 24, 1786.

Chapter 44.

RESOLVE ON THE PETITION OF THE EAST PARISH IN ALMS-
BURY, SIMEON BARTLETT, AND OTHERS, AUTHORIZING
THEM TO MAKE SALE OF THE PARSONAGE LAND MEN-
TIONED. Chap. 44

On the petition of Simeon Bartlett and others, a Committee of the East Parish of Almsbury, praying for liberty to sell the parsonage land belonging to the said parish, for reasons set forth in the said petition :

Resolved, That the prayer of the said petition be granted, and that *Simeon Bartlett, Samuel Ordway* and *John Barnard*, the Committee of the said East Parish of *Almsbury*, be, and they hereby are, authorized and empowered to make sale of the said parsonage land, in such way and manner as the said parish shall direct, (they first giving bond, with sufficient sureties, to the Treasurer of the said East Parish, for the faithful discharge of the said trust) and to receive the net proceeds of the same, and to give a good and sufficient deed to the purchaser of the said land.

And it is further *Resolved*, That the money arising from the sale of the parsonage land aforesaid, shall be invested,

as soon as may be, in other real estate in some convenient part of the said parish; which estate so purchased, shall be for the use of the ministry of the said East Parish forever.

February 24, 1786.

Chapter 45.

Chap. 45 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

The letter of the General Court to our Delegates, dated the 4th of *November* last, has been laid before Congress. You will recollect that it was grounded on several petitions to the Court from persons in the town of *Boston*, representing that divers effects had, by orders of the *British* Commander in Chief, while the *British* troops were in possession of the town, been taken from them; and praying for the aid of the Court in recovering a compensation for those effects. I would inform you, Gentlemen, that Congress have transmitted to their minister in *London*, an instruction upon that subject.

In consequence of an order of Congress of the second of *January* last, the Secretary of Congress has reported to them the particular States, which have complied, in whole or in part, with the revenue system of the 18th of *April*, 1783; with the recommendation of Congress of the same date, for an alteration of the 8th Article of the Confederation; and with the act of the 30th of *April*, 1784, recommending the vesting of certain commercial powers in Congress.

The essence of the report is, that the first part of the revenue system, the investing Congress with a power to levy certain duties upon goods imported into the United States, has in whole been complied with, by nine States; including *Massachusetts* and *Delaware*, and in part by another. — The second part of the revenue system, is the establishing for twenty-five years, to discharge the debts contracted on the faith of the United States, for supporting the war, substantial and effectual revenues, for supplying their respective proportions of *One million, five hundred thousand dollars*, annually, exclusive of the aforementioned duties. With this part of the system, three States have complied in whole, and a fourth in part.

It does not appear, that *Massachusetts* is one of those four States, that have complied. This part of the recommendation, Gentlemen, although it be not now expressly renewed, merits your serious consideration.

With respect to the two last recommendations, for an alteration in the eighth Article of the Confederation, and for vesting Congress with certain commercial powers, eight States have complied with the former, and nine with the latter: both inclusive of *Massachusetts*.

The report at large, with a letter from the Secretary of Congress, of the 12th of *January*, will be laid before you.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 25, 1786.*

Chapter 46.

RESOLVE ON THE PETITION OF THE WEST PARISH IN ALMSBURY, EMPOWERING CHRISTOPHER SARGENT AND OTHERS, TO SELL PARSONAGE LANDS.

Chap. 46

On the petition of the West Parish in Almsbury, praying for liberty to sell the parsonage lands, consisting of upland and salt marsh, belonging to said parish, for reasons set forth in said petition:

Resolved, That the prayer of said petition be granted, and *Christopher Sargent* and *Willis Patten*, a Committee of said parish, are hereby authorized and empowered to sell said parsonage land, and to make and execute a good and lawful deed or deeds of the same, they first giving bond to the Treasurer of said parish, for the faithful execution of their trust, and to apply the money arising from the sale of said lands, for purchasing other land, in some convenient place in said parish; and the land so purchased, shall be kept for the use of the ministry of said parish, forever.

February 25, 1786.

Chapter 47.

RESOLVE GRANTING TWO HUNDRED AND EIGHTY-SIX POUNDS TO LEVI LINCOLN, ESQ; FOR SERVICES PERFORMED RELATIVE TO CONFISCATED ESTATES.

Chap. 47

On the petition of Levi Lincoln, Esq; of Worcester, praying for an allowance out of the proceeds of the sales of confiscated estates in the county of Worcester, for services

performed and monies expended, as set forth in his said petition, and the account accompanying the same.

Resolved, That there be allowed and paid to the said *Levi Lincoln*, Esq; by the Committee for the sale of said estates, out of the proceeds of the same, the sum of *Two hundred and eighty-six pounds*, in full for his services aforesaid.

February 25, 1786.

Chapter 48.

Chap. 48 RESOLVE ON THE PETITION OF *JAMES TUCKER*, DIRECTING THE TREASURER TO PAY CERTAIN NOTES, OF THE SAME TENOR AND DATE WHICH WERE DELIVERED IN CONSEQUENCE OF A FORGED ORDER.

On the petition of James Tucker, sergeant in the fifth Massachusetts regiment, in Capt. Hudang's company, setting forth, that some person by a forged order on the Treasurer of this Commonwealth, hath drawn his wages for the year 1780, and praying that he may have his said wages paid to him:

Resolved, That the prayer be so far granted, that the Treasurer of this Commonwealth, be, and he is, hereby directed to make out and pay to the said *James Tucker*, notes of the same sum, tenor and date, that those notes were of, which were delivered in consequence of the aforesaid forged order.

February 25, 1786.

Chapter 49.

Chap. 49 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

On the 25th instant, I communicated to you, a report made to Congress by their Secretary, representing, among other things, what States in the Union had complied, either in whole or in part, with the revenue system recommended by the act of Congress of the 18th of *April*, 1783. I mentioned to you, that this State had not complied with an essential part of it; and that it merited your serious consideration, although it did not then appear to be recommended anew.

Since that communication, *viz.*: by the last post, I have received a letter from the Secretary of Congress, enclosing

an act of that honourable Body, of the 15th instant, respecting the same system, also a schedule of the French and Dutch loans, shewing the periods of their redemption, with the annual interest payable thereon, until their final extinction, for which provision is yet to be made.

From the statement of facts in the said act, it appears what States have, and have not, either wholly or in part, complied with the above mentioned revenue system. Among those, that have complied with it only in part, is *Massachusetts*: to whose Legislature, as well as to the Legislatures of the other delinquent States, it is most earnestly recommended by Congress, completely and without further delay to adopt the said system.

They thought it their duty candidly to examine the principles of that system, and to discover, if possible, the reasons which have prevented its adoption. But they cannot learn that any member of the Confederacy has stated or brought forward any objections against it: and the result of their impartial enquiries into the nature and operation of it, has been a clear and decided opinion, that the system is more free from well founded exceptions, and is better calculated to receive the approbation of the several States, than any other, that the wisdom of Congress can devise.

They further declare, that in the course of this enquiry it most evidently appeared, that the requisitions of Congress, for eight years past, have been so irregular in their operation, so uncertain in their collection, and so evidently unproductive, that a reliance on them in future, as a source from whence monies are to be drawn, to discharge the engagements of the Confederacy, would be dangerous to the welfare and peace of the Union. They are therefore seriously impressed with the indispensable obligation they are under of representing to the several States, the utter impossibility of maintaining and preserving the faith of the federal government, by temporary requisitions on the States; and the consequent necessity of an early and complete accession of all the States, to the revenue system aforesaid. That the said system has been under reference for nearly three years; and during that period, notwithstanding the numerous changes, which have taken place in the delegations of every State, it has received the repeated approbation of each successive Congress. That the urgency of the public engagements at this time, renders

it the unquestionable duty of the several States to adopt, without further delay, a measure, which alone, in the judgment of Congress, can preserve the sacred faith of this confederacy.

That after the most solemn deliberation, and under the fullest conviction, that the public embarrassments are such, as they have represented, it has become the duty of Congress, to declare most explicitly, that the crisis has arrived, when the people of these United States, by whose will, and for whose benefit the federal government was instituted, must decide, whether they will support their rank as a nation, by maintaining the public faith at home or abroad; or whether, for want of a timely exertion in establishing a general revenue, and thereby giving strength to the Confederacy, they will hazard, not only the existence of the Union, but of those great and invaluable privileges, for which they have so arduously, and so honourably contended.

And to the end that Congress may remain wholly acquitted from every imputation of a want of attention to the interest and welfare of those whom they represent, they have, among other things, resolved, that whilst Congress are denied the means of satisfying those engagements, which they have constitutionally entered into for the common benefit of the nation, they hold it their duty to warn their constituents, that the most fatal evils will inevitably flow from a breach of public faith, pledged by solemn contract, and from a violation of those principles of justice, which are the only solid basis of the honour and prosperity of nations.

I have here given you, Gentlemen, from a long act of Congress, an abstract of some of the observations contained in it: which by being brought into a closer connection may strike the more forcibly.

These observations are in the highest degree important, and are as just as they are important; and demand a serious, very serious attention.

The questions, that naturally arise on this occasion, are short. Shall the union cease to exist? Shall our rank as a nation become extinct? Shall freedom and independence, — shall the privileges and blessings derived from them, be relinquished as things of no value? Shall breach of contract and public faith compel our allies, who rank with the first powers of Europe, to become our enemies? Shall a like breach destroy all confidence in Government among ourselves, and thereby introduce the worst of evils,

— internal discord, and distraction? and will the General Court, by not complying with the present recommendation of Congress, so warmly and pathetically urged, hazard the imputation of involving the Commonwealth in such a complication of evils?

I am morally certain, Gentlemen, that your proceedings upon that recommendation, will clearly evidence a most vehement negative in all those questions.

JAMES BOWDOIN.

COUNCIL CHAMBER, *February 27, 1786.*

Chapter 50.

RESOLVE ON THE PETITION OF *URIAH TILTON*, AND OTHERS, *Chap. 50*
 APPOINTING A COMMITTEE TO RECTIFY A MISTAKE THAT
 HATH TAKEN PLACE IN WRITING A CERTAIN DIVISION DEED
 OF A PART OF THE HOMESTEAD LAND OF *ZEPHANIAH*
MAYHEW, DECEASED, AND TO CAUSE THE SAME TO BE
 RECORDED IN THE REGISTER'S OFFICE.

Resolved, That *John Worth* of *Edgartown*, Esq; Messieurs *James Allen* and *Nathan Mayhew*, of *Chilmark*, all of *Dukes County*, be, and hereby are, appointed a Committee (being first sworn) to rectify the mistake that hath taken place in writing the division deed of that part of the homestead land of *Zephaniah Mayhew*, late of *Chilmark*, deceased, which was set off to the widow of said *Mayhew*; which mistake took place in the fourth and fifth shares mentioned in said deed, bearing date the 22d day of *June*, 1773: and the Committee aforesaid, after hearing the parties and evidence relating to the mistake in the two shares before mentioned, shall describe the same by lasting metes and bounds, as to them shall appear conformable to the original division, and cause the same to be recorded in the Register's Office of said county, which shall make a good title to the said shares before mentioned, as if the mistake in the deed aforesaid had never taken place; any law to the contrary notwithstanding. *February 28, 1786.*

Chapter 51.

RESOLVE DIRECTING THE SECRETARY TO DELIVER THE BOOK
 OF RECORDS RELATIVE TO PROBATE MATTERS TO THE CLERK
 OF THE SUPREME JUDICIAL COURT. *Chap. 51*

Whereas the appellate jurisdiction of probate matters is by an act of the General Court transferred from the Gov-

ernor and Council to the Supreme Judicial Court, which is thereby constituted the Supreme Probate Court: and it being expedient that the records relating to probate matters heretofore kept in the Secretary's office should be delivered to the said Supreme Probate Court: Therefore

Resolved, That the Secretary, he, and he hereby is, directed to deliver such book or books of records relative to said probate matters as have been heretofore kept in his office, to the Clerk of the said Supreme Court, to be by him kept in his, the said Clerk's, office for the purpose of continuing the records thereof. February 28, 1786.

Chapter 52.

Chap. 52 RESOLVE ON THE PETITION OF LOAMMI BALDWIN, RECTIFYING A MISTAKE MADE ON THE PLAN OF FLINTSTOWN, LYING BETWEEN SACO RIVER AND SEBAGO POND.

On the petition of Loammi Baldwin, praying that a certain mistake might be rectified, which was made on the plan of Flintstown, so called, lying between Saco River and Sebago Pond, which was granted to Samuel Whittemore and others, wherein W for west was inserted instead of E for east, on the line extending northward from Muddy River, as will plainly appear on said plan: Therefore

Resolved, That the line before mentioned, running northward five hundred and twenty-two rods from Muddy River aforesaid, for the future, be considered and understood to run north, thirty-six degrees east, according to the true intent and meaning of said plan; any resolve heretofore passed to the contrary notwithstanding.

February 28, 1786.

Chapter 53.

Chap. 53 RESOLVE SUSPENDING A CERTAIN CLAUSE IN AN ACT, ENTITLED, "AN ACT IN ADDITION TO, AND FOR THE EXPLANATION OF AN ACT ENTITLED AN ACT FOR LAYING DUTIES OF IMPOST AND EXCISE, ON CERTAIN GOODS, WARES AND MERCHANDIZE THEREIN DESCRIBED, AND FOR REPEALING THE SEVERAL LAWS HERETOFORE MADE FOR THAT PURPOSE," TO THE THIRD WEDNESDAY OF THE NEXT SITTING OF THE GENERAL COURT.

Whereas the operation of a certain clause in an act, entitled, "An act in addition to, and for the explanation

of an act, entitled, “An act for laying duties of impost and excise on certain goods, wares, and merchandize therein described, and for repealing the several laws heretofore made for that purpose,” was by a resolve of the fourth of July last, suspended till the second Tuesday of the then next sitting of the General Court; and by one other resolve of the first of December last, was further suspended till the third Tuesday of the next sitting of the General Court; and whereas it is expedient that the operation of the clause recited in the said resolve of the fourth of July last, should be further suspended:

Resolved, That the said recited clause, be, and hereby is, further suspended in its operation, till the third Wednesday of the next sitting of the next General Court.

February 28, 1786.

Chapter 54.

RESOLVE MAKING AN ESTABLISHMENT FOR THE MESSENGER OF THE GENERAL COURT, AND POINTING OUT HIS DUTY. *Chap. 54*

Whereas by the death of the late Mr. William Baker, who, for many years past, with great care, prudence and fidelity, discharged the duties of the office of Messenger to the General Court, that place is now become vacant. And whereas it is expedient, previous to filling up the said vacancy, that the duties of the office of Messenger or Door Keeper of the General Court, should be particularly pointed out and defined: Therefore

Resolved, That it shall be the duty of the person, who shall be chosen to the office of Messenger or Door Keeper of the General Court, and who shall accept the same, to perform the duties and services hereinafter mentioned and enumerated, viz.:

To open the outward doors on the lower floor of the State House every morning, and to shut them every night; Sabbath days, public Thanksgiving and Fast days excepted.

To take charge of all the keys belonging to the outward doors, and to the doors of the several apartments of the said State House, that are occupied by the General Court.

To take all prudent care to prevent any trespass or damage from being committed on, or done to, any part of the said State House, by any person or persons whatso-

ever. And in case such trespass or damage shall take place, and the offender be known, it shall be the duty of the Messenger of the General Court, to inform the Attorney General of the same, in order that he may prosecute such offender or offenders to effect, so as to bring him or them to condign punishment.

To take care that the several chambers and lobbies occupied by the General Court be kept clean, and in decent order.

To take care of all such books and files of papers as are usually kept in either of the rooms or lobbies of the State House occupied by the General Court, keeping them secure, and taking care that no damage happen to them.

To visit all the apartments in the State House that are occupied by the General Court, every day, during the recesses of the said Court, when the outward doors are required to be opened, carefully observing the state and condition of the same, and taking all prudent precautions to prevent damage being done by storms beating into the windows, or otherwise.

To kindle and keep up suitable fires (in the season of the year when the same shall be necessary) in the Senate chamber and Representatives chamber, and in such of the lobbies as may be ordered by the General Court in their several sessions, or by Committees who may sit in the State House, by order of Government, in the recesses of the said Court; attending the said fires during the time they shall be improved, and carefully extinguishing the same, as soon as the members of the two Houses, or of such Committees, shall have retired; and it shall be his duty to visit at night every of the aforesaid apartments, where a fire shall have been kept in the day preceding.

To provide a proper and sufficient quantity of fuel, for supplying the fires aforesaid; and also a sufficient quantity of candles of a proper size and quality, for the use of the General Court, Government furnishing the said Messenger, from time to time, with money for the same.

To attend the members of either House, when they are charged with messages to the other House, introducing them respectively in the usual manner.

To serve all such processes, and perform all such duties as the Messenger of the House or Door Keeper is obliged to serve and perform, by virtue of the laws of this Com-

monwealth, that have respect unto the said office ; particularly by an act passed in the year of our Lord sixteen hundred ninety-four, entitled “ An act for ascertaining the fees of the Messenger attending the House of Representatives.” And by another act, passed in the year seventeen hundred forty-two, entitled “ An act to prevent incumbrances about the doors of the Court House in *Boston*.” And by another act passed in the year seventeen hundred forty-nine, entitled, “ An act to prevent the disturbance given the General Court by the passing of coaches, chaises, carts, trucks and other carriages, by the Province Court House.” — and to do and perform all such other services, as have been heretofore considered as duties incident to the said office of Messenger of the General Court, except that of carrying papers to the Governor and council.

And it is further *Resolved*, That *Eighty pounds* per annum be allowed to the person who may be chosen Messenger of the General Court, for performing the services assigned him in this resolve. *February 28, 1786.*

Chapter 55.

RESOLVE ON THE PETITION OF *DAVID LITTLE* AND *JAMES BRIGGS, JUN.*, AUTHORIZING THEM TO MAKE SALE OF THE REAL ESTATE MENTIONED. *Chap. 55*

On the petition of David Little and James Briggs, jun., administrators on the estate of Nathaniel Waterman, late of Scituate, deceased, praying for liberty to sell part of the real estate of the said Nathaniel Waterman, for the payment of his just debts. Therefore

Resolved, That *David Little* and *James Briggs, jun.*, administrators on the estate of *Nathaniel Waterman*, late of *Scituate*, deceased, be, and they hereby are, authorized and empowered to make sale of so much of the real estate of the said *Waterman*, as lies separate and distinct from the homestead, as will amount to *Three hundred pounds*, for the payment of his just debts, and to make and execute good and lawful deed or deeds of the same ; they observing all the rules of law, respecting the sale of real estate by administrators, and to account with the Judge of Probate for the county of *Plymouth*. *March 1, 1786.*

Chapter 56.

Chap. 56 RESOLVE AUTHORIZING THE COMMITTEE APPOINTED OCTOBER 1783, ON THE SUBJECT OF THE UNAPPROPRIATED LANDS IN THE COUNTY OF LINCOLN, TO CONTRACT FOR ANY OF THE PARTICULAR KINDS OF PUBLIC CONTINENTAL SECURITIES, DRAWING INTEREST, FOR LANDS THAT SHALL BE SOLD.

Whereas the Committee appointed by a resolve of the 28th of October, 1783, on the subject of the unappropriated lands in the county of Lincoln, are authorized in the sale of lands in the said county, belonging to this Commonwealth, to receive the consolidated notes thereof; and it being expedient that continental securities should also be received as payment for lands the said Committee may hereafter sell.

Resolved, That the said Committee, be, and they are, hereby authorized to contract for any of the particular kinds of public continental securities, drawing interest, to be paid for the lands they shall hereafter sell, as they shall conceive most conducive to the interest of the Commonwealth.

March 1, 1786.

Chapter 57.

Chap. 57 RESOLVE ON THE PETITION OF CORNELIUS DAVIS, DIRECTING THE TREASURER TO ISSUE NEW NOTES TO HIM.

On the petition of Cornelius Davis, representing that there is due to him from this Commonwealth, the sum of Thirty-eight pounds, two shillings and three pence, which sum hath been drawn on a forged order, set forth in the said petition.

Resolved, That the prayer thereof be granted, and that the Treasurer of this Commonwealth, be, and he is, hereby directed to issue to the said *Cornelius Davis*, a note or notes for the said sum of *Thirty-eight pounds, two shillings and three pence*, in the same manner he would have done if the said notes had not been drawn by a forged order.

March 1, 1786.

Chapter 58.

Chap. 58 RESOLVE ON THE PETITION OF JOSEPH WILLIAMS, ESQ; AND OTHERS, FEOFEES OF THE GRAMMAR SCHOOL IN ROXBURY, AUTHORIZING THEM TO SELL A CERTAIN PIECE OF LAND—PROVIDED, &c.

On the petition of Joseph Williams, Esq; and others, Feoffees of the Grammar School in Roxbury, praying for

liberty to sell a piece of land of about twenty acres, lying in said Roxbury, for reasons set forth in said petition:

Resolved, That the prayer thereof be granted, and that the said Feoffees, be, and they are, hereby authorized and empowered, in their said capacity, to sell the said twenty acres of land for the most the same will fetch, and to make and execute a good deed or deeds thereof: provided, the said Feoffees shall, previous to their selling said land in manner aforesaid, give a bond to the Treasurer of the said town of *Roxbury*, to the satisfaction of the Selectmen thereof, — conditioned, that no part of the principal sum said land shall sell for, be appropriated to any other purpose, than that of being vested again in real estate; and that the same shall be placed out at interest, with good security; and the interest applied to the support of the said Grammar School, until the principal shall be vested in real estate in manner aforesaid. *March 1, 1786.*

Chapter 59.

RESOLVE ON THE PETITION OF *JOHN CROSSET, JUN.*, DIRECTING THE TREASURER TO ISSUE A NOTE OR NOTES, OF THE SAME TENOR AND DATE WITH THOSE DELIVERED UPON A FORGED ORDER. *Chap. 59*

On the petition of John Crosset, jun., a private in Thomas Nixon's regiment, in the late Continental army, praying for his depreciation notes; which were given out by the Treasurer, to one Amariah Crosset, upon a forged order:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to issue a note or notes, in favour of *John Crosset*, of the same tenor and date with the notes delivered to *Amariah Crosset*, upon the forged order abovesaid. *March 1, 1786.*

Chapter 60.

RESOLVE GRANTING A TAX OF EIGHT HUNDRED AND FOUR POUNDS, TO BE LEVIED ON THE POLLS AND ESTATES IN THE COUNTY OF *HAMPSHIRE*, TO DEFRAY THE CHARGES OF SAID COUNTY. *Chap. 60*

Whereas it appears to this Court, from the representation and estimate of the Justices of the Court of General

Sessions of the Peace for the county of Hampshire, that it is necessary that the sum of Eight hundred and four pounds should be raised in the said county, for the purpose of defraying the charges, necessary for the administration of justice, and other county charges, within the said county: Therefore

Resolved, That there be, and hereby is, granted a tax of *Eight hundred and four pounds*, to be levied on the polls and estates, both real and personal, within the said county of *Hampshire*; and the Clerk of the Court of General Sessions of the Peace for the said county, is hereby empowered to apportion the said sum upon the several towns within the said county, in the manner pointed out by a law of this Commonwealth, and to issue his warrants to the Assessors of the said towns, for the assessment of the same.

March 2, 1786.

Chapter 61.

Chap. 61 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WINCHENDON, EMPOWERING THE ASSESSORS OF SAID TOWN, TO ASSESS ON THE INHABITANTS AND LANDS TAKEN FROM THE TOWN OF WINCHENDON INTO THE TOWN OF GARDNER, THEIR JUST PROPORTION.

On the petition of the Selectmen of the town of Winchendon, praying that the Assessors of the said town, may be empowered to assess on those inhabitants and lands which were taken from the town of Winchendon into the town of Gardner, their just proportion of what the town of Winchendon was in debt at the time of the incorporation of the town of Gardner.

Resolved, That the prayer of the said petition be so far granted, that the Assessors of the town of *Winchendon*, be, and they hereby are, empowered to assess on those inhabitants and lands, which were taken from the town of *Winchendon* into the town of *Gardner*, the one half of their equal proportion of what the town of *Winchendon* was indebted, at the time of the incorporation of the said town of *Gardner*, for which sum no grant was then made. And the Collectors of the town of *Winchendon* for the time being, are hereby empowered to collect the same, any law to the contrary notwithstanding.

March 2, 1786.

Chapter 62.

RESOLVE ALLOWING THE COUNTY TREASURER'S ACCOUNTS FOR THE COUNTY OF ESSEX, AND GRANTING A TAX OF THIRTEEN HUNDRED SIXTY-SEVEN POUNDS AND THREE PENCE, TO BE ASSESSED ON THE INHABITANTS OF SAID COUNTY, TO DEFRAY THEIR CHARGES. *Chap. 62*

Whereas it appears upon examination of the Treasurer's accounts for the county of Essex, that all the monies granted and allowed by the Court of General Sessions of the Peace for the said county, were expended for such purposes as are authorized by law: Therefore

Resolved, That the said accounts be accepted and allowed. And whereas it appears from an estimate of the Justices of the Court of General Sessions of the Peace of the said county of Essex, made on the first Tuesday of December, A.D. 1785, that the sum of Thirteen hundred sixty-seven pounds and three pence will be necessary for defraying the charges of the said county, for one year then next ensuing: Therefore

Resolved, That there be, and hereby is, granted a tax of Thirteen hundred and sixty-seven pounds and three pence, to be apportioned and assessed on the inhabitants of the said county, and estates lying within the same, and collected, paid and applied for the use of the said county, according to the laws of the Commonwealth. March 2, 1786.

Chapter 63.

RESOLVE ON THE PETITION OF JOHN MINKLER, DIRECTING THE TREASURER TO RECEIVE A SUM OF OLD CONTINENTAL MONEY, FOR REASONS SET FORTH. *Chap. 63*

On the petition of John Minkler, of West Stockbridge, setting forth that he was chosen Constable of said town in the year 1780, that he collected Eighteen thousand three hundred and sixty dollars, in continental money, for public taxes, before the 20th day of July, A.D. 1781, and before he had the least knowledge of any resolve of the General Court to the contrary, and that he is now possessed of the same: Therefore

Resolved, That the prayer of the petition be granted, and that the Treasurer of the Commonwealth, be, and he hereby is, directed to receive of the abovenamed John Minkler, the above sum of Eighteen thousand three hun-

dred and sixty-three dollars and one sixth of a dollar, continental money, of the old emission, in discharge of so much of the continental tax committed to him to collect, for the year 1780, he paying the cost of the execution lying against him.

March 2, 1786.

Chapter 64.

Chap. 64 RESOLVE ON THE PETITION OF MATTHEW FAIRFIELD, DIRECTING THE SHERIFF OF ESSEX COUNTY TO DISCHARGE HIM, UPON CERTAIN CONDITIONS.

On the petition of Matthew Fairfield, a prisoner in the goal in Salem, praying that he may be allowed to pay in consolidated notes of this Commonwealth, the fine of Fifty pounds, which by the Supreme Judicial Court in November last, he was sentenced to pay to the Commonwealth.

Resolved, That the prayer of the petition be so far granted, that the Sheriff of the county of *Essex*, be, and he is, hereby empowered and directed to discharge said *Matthew Fairfield* from said goal, upon his paying said fine in consolidated notes of this Commonwealth, and likewise paying costs of prosecution and prison charges; and the Treasurer of this Commonwealth is directed to receive said fine of the Sheriff of said county of *Essex*, in said notes.

March 3, 1786.

Chapter 65.

Chap. 65 RESOLVE REPEALING A RESOLVE OF JULY 1, 1785, IN FAVOUR OF ASA NARRAMORE, AND DIRECTING THE TREASURER TO PAY HIM EIGHTY-EIGHT POUNDS FIVE SHILLINGS AND FOUR PENCE, FOR HIS WAGES DURING HIS CAPTIVITY.

Whereas it appears that the resolve of the General Court of July 1, 1785, does not make the same provision for the payment of Asa Narramore, a soldier in Captain White's company, in Col. Brown's regiment of militia, belonging to this Commonwealth, engaged in the service of the United States, for the defence of the western frontiers, in the year 1780, who was taken captive near the Mohawk river, in the State of New York, on the 19th of October, in the year aforesaid, and retained in captivity, until the 24th of June, 1784, as has been uniformly made for soldiers, in similar circumstances.

Resolved, That the aforesaid resolve, be, and hereby is, repealed and the Treasurer of this Commonwealth is empowered and directed to pay the said *Asa Narramore*, *Eighty-eight pounds, five shillings and four pence*, in full for his wages, during the term of his captivity, being three years, eight months and four days, in the same manner that soldiers have usually been paid for like services, the same to be charged to the United States.

March 3, 1786.

Chapter 66.

RESOLVE ON THE PETITION OF *JOSHUA STONE*, AGENT ON THE ESTATE OF *THOMAS WYER* OF *FALMOUTH*, EMPOWERING HIM TO SELL ONE LOT OF LAND MENTIONED.

Chap. 66

On the petition of Joshua Stone, praying that certain lands in the county of Cumberland, may be sold, for reasons set forth in said petition:

Resolved, That *Joshua Stone*, agent on the estate of *Thomas Wyer*, late of *Falmouth*, in said county of *Cumberland*, an absentee, be, and he is, hereby empowered to sell one lot of land, lying in said *Falmouth*, belonging to said *Wyer*, which was adjudged to escheat to the Commonwealth, at a Court of Common Pleas, holden at *Falmouth*, on the last Tuesday of *October*, 1782, for the most the same will fetch, and to make a deed of sale and conveyance, he observing the rules and directions of the law for the sale of real estates by executors and administrators, and giving bonds to the Judge of Probate for the county of *Cumberland*, that the proceeds of said sale, shall be disposed of according to law.

March 3, 1786.

Chapter 67.

RESOLVE ON THE PETITION OF THE SELECTMEN OF *PEPPERELBOROUGH*, DIRECTING THE TREASURER TO CREDIT SAID TOWN IN THE NEXT STATE TAX, FOR NOT SENDING A REPRESENTATIVE IN 1783, WITH *TEN POUNDS TEN SHILLINGS*.

Chap. 67

On the petition of the Selectmen of the town of Pepperelborough, in behalf of said town:

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth, be, and is, hereby directed to credit said town in the next

State Tax, *Ten pounds, ten shillings*, it being one half of the fine laid on said town, for not sending a Representative in the year 1783.

March 3, 1786.

Chapter 68.

Chap. 68 RESOLVE GRANTING THE PAY OF THE COMMITTEE ON VALUATION.

Resolved, That there be paid out of the public treasury of this Commonwealth, to the several persons before mentioned, the sums set against their respective names, for their service as members of the Committee of Valuation, from the 18th of *January* last, to the day of the present meeting of the General Court, being at the rate of *seven shillings and six pence*, per day, amounting in the whole, to *One hundred and one pounds, five shillings*.

March 3, 1786.

Chapter 69.

Chap. 69 RESOLVE ON THE PETITION OF JAMES WITHERELL, DIRECTING THE TREASURER TO CREDIT HIM, &c.

On the petition of James Witherell of Lebanon, Collector of taxes for 1779 and 1780, setting forth, that agreeable to an act, passed March 23, 1784, he did exhibit receipts under the hand of the late Treasurer Gardner, to the amount of Eight thousand seven hundred and fifty-seven pounds, ten shillings; and also a further sum of Nine hundred and fifty-three pounds, five shillings; all which sums are credited in the Treasurer's books, except Eight hundred and nineteen pounds, eleven shillings, — and that by misfortune he has lost his pocket-book and all his receipts, on his journey to Boston, to settle with the Treasurer.

Resolved, That the prayer of the petition be so far granted, that the Treasurer of the Commonwealth, be, and is, hereby directed to credit the said *James Witherell*, the abovesaid sum of *Eight hundred nineteen pounds and eleven shillings*, old Continental currency, in part of his assessment in arrear, and charge the amount against the estate of the late Treasurer deceased.

March 3, 1786.

Chapter 70.

Chap. 70 RESOLVE ON THE PETITION OF JAMES WITHERELL, JOSHUA PRAY AND NATHAN LORD, COLLECTORS OF LEBANON, AND JOHN WOODMAN, AND OTHERS, INHABITANTS OF SHAPLEIGH.

On the petition of James Witherell, Joshua Pray and Nathan Lord, Collectors of Lebanon, and John Woodman

and others, inhabitants of Shapleigh, praying that the several sums of money, that have been assessed on a part of the inhabitants of the town of Shapleigh, and committed to James Witherell, Joshua Pray and Nathan Lord, by the Assessors of Lebanon, may be abated to the said town of Lebanon, and laid on the town of Shapleigh, for reasons set forth in their petitions:

Resolved, That the prayer of said petitions be so far granted, that the sum of *Sixty pounds, five shillings*, that remains due from *James Witherell*; of *Two hundred and seventy-one pounds, seven shillings and four pence*, that remains due from *Joshua Pray*; and the sum of *Fifty-two pounds*, that remains due from *Nathan Lord*; be, and they are, hereby abated, and the Treasurer of this Commonwealth is directed to credit said Collectors accordingly.

And it is further Resolved, That the Treasurer of this Commonwealth, be, and he is, hereby empowered and directed to issue his warrant, directed to the Assessors of the town of *Shapleigh*, directing them to assess the sum of *Three hundred eighty-three pounds, twelve shillings and four pence*, on the inhabitants of the said town of *Shapleigh*, and make a return thereof, as soon as may be.

And it is further Resolved, In case the said Collectors, or either of them, has received any part of the said taxes assessed as aforesaid, of said inhabitants, since the twentieth day of *October, 1784*, that said Collectors respectively are hereby required and directed to remit the same to such inhabitants respectively, as soon as may be, any law or resolve to the contrary notwithstanding. *March 3, 1786.*

Chapter 71.

RESOLVE ON THE PETITION OF HEZEKIAH ROOT, JUN., COLLECTOR OF TAXES IN THE TOWN OF BELCHERTOWN, DIRECTING THE TREASURER TO TAKE BONDS OF THE SELECTMEN OF SAID TOWN FOR THE PAYMENT OF THE MONEY MENTIONED. Chap. 71

On the petition of Hezekiah Root, jun., Collector of taxes from the town of Belchertown, for the year 1782, who is now confined in the goal in Northampton, praying that on certain conditions he may be discharged from his confinement.

Resolved, That the prayer of the said petition be so far granted, that the Treasurer of this Commonwealth, be, and he hereby is, directed to take bonds of the Selectmen

of the said town of *Belchertown*, for the payment of the money now due from said Collector, on or before the first day of *March*, 1787, on the said Collector paying all costs which have arisen by reason of the said commitment; and on the said Selectmen and the said Collector respectively complying with the terms of this resolve, the Sheriff of the county of *Hampshire*, is hereby directed to liberate the said *Root* from his confinement in the said goal.

March 3, 1786.

Chapter 72.

Chap. 72 RESOLVE ON THE GOVERNOR'S MESSAGE OF THE 3^d OF FEBRUARY, 1786, DIRECTING EVERY OFFICER IN THE REVENUE DEPARTMENT, TO GIVE BONDS TO THE TREASURER, THAT HE WILL NOT RESIGN HIS SAID OFFICE, IN ADDITION TO THE BONDS REQUIRED BY LAW.

Whereas abrupt and sudden resignations of officers, in the revenue department, may operate to the great detriment of the public revenue; for preventing the same, be it

Resolved, That each and every officer, who may be chosen into office, in the revenue department, and shall accept of the said office, shall, in addition to the bonds already required by law, previous to entering on the duties of his office, give bonds to the Treasurer of this Commonwealth, conditioned, that he will not resign his said office, during the time for which he shall be chosen, unless three months notice be previously given in writing to the Governor for the time being, of his intention to resign the said office, and shall be held answerable for all damages that may arise to Government, in consequence of his resigning, without giving notice as aforesaid. And the Treasurer is hereby ordered and directed to require each officer, who shall be re-elected into office, in the revenue department, to renew his bonds, as required by law, for the faithful discharge of the duties of his office.

March 3, 1786.

Chapter 73.

Chap. 73 RESOLVE ON THE PETITION OF WILLIAM FORD, EMPOWERING THE JUDGE OF PROBATE TO APPOINT COMMISSIONERS ON THE ESTATE OF ABEL WILLARD, IN THE COUNTY OF WORCESTER.

On the petition of William Ford, praying that the Judge of Probate, for the county of Worcester, may be empowered

to appoint other Commissioners to examine his claim against the estate of the late Abel Willard, of Lancaster, Esq., a refugee, for the reasons mentioned in his petition.

Resolved, That the Judge of Probate, for the county of Worcester, be, and he hereby is, empowered and directed forthwith to appoint Commissioners on the estate of the said *Abel Willard*, or direct such as may be already appointed by him on the said estate, to examine the claim, and allow the demand of the said *William Ford*, against the said estate, he duly supporting the same. And the said *William Ford* is hereby entitled to receive the amount of his said debt, in the same manner as the other creditors of the said *Abel Willard*. Provided nevertheless, that if it shall appear to the said Judge of Probate, that the said *William Ford* has already received, or is entitled to receive from the estate of *Abijah Willard*, any part of his said demand, that then, and in that case, the said *William Ford* shall be entitled to receive from the estate of the said *Abel Willard*, no more than the remainder of his said demand, after deducting what has been allowed him, out of the estate of the said *Abijah*. *March 4, 1786.*

Chapter 74.

RESOLVE ON THE PETITION OF THE TRUSTEES OF DUMMER ACADEMY, EXEMPTING THE ESTATE HELD BY SAID TRUSTEES, AND THE POLLS AND THE ESTATES OF THE INSTRUCTORS, FROM TAXATION. *(Chap. 74)*

On the petition of the Trustees of Dummer Academy, praying that no taxes may hereafter be assessed on their corporate estate, nor on the polls and estates of the instructors of that Academy.

Resolved, That for reasons set forth in the said petition the prayer thereof be granted, and that the estate held by the Trustees of *Dummer Academy*, in their said corporate capacity, and the polls and estates of the instructors thereof, under their own actual improvement, be, and they are, hereby exempted from taxation, until the further order of the General Court. *Provided*, That the foregoing exemption shall not extend to any estate which shall produce an annual income beyond the sum of *Two hundred pounds*. *March 4, 1786.*

Chapter 75.

Chap. 75 RESOLVE ON THE MEMORIAL OF THE JUSTICES OF THE COURT OF GENERAL SESSIONS OF THE PEACE, WITHIN WORCESTER COUNTY, GRANTING A TAX OF FIVE HUNDRED POUNDS, TO BE ASSESSED UPON THE SEVERAL TOWNS, FOR THE BUILDING OF A COMMON GOAL.

On the memorial and petition of the Justices of the Court of General Sessions of the Peace, within and for the county of Worcester, setting forth the insufficiency of the common prison in the said county, and praying that they may be authorized to assess upon the several towns within the said county, the sum of Five hundred pounds, for the purpose of building a goal in said county:

Resolved, That the Justices of the General Sessions of the Peace, for the county of *Worcester*, aforesaid, be and they hereby are authorized and empowered, to assess upon the several towns within the said county, the sum of *Five hundred pounds*, for the purpose of building a common goal in the said county; such assessment to be made agreeably to the law in such cases.

March 6, 1786.

Chapter 76.

Chap. 76 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I received by the last post, a letter from the Commissioners of the Treasury of the United States, dated the 22d of *February*, enclosing a statement of the expenditures of the said States, under the general head of contingencies, from the first of *January* to the 31st of *December*, 1785, by which it appears, that the amount of payment of

	Dollars.	90ths.
Old debts, is	69,386	59
Pensions and annuities,	3,106	44
Grants,	19,177	51
Contingencies,	2,624	1

The total amount being 94,294 65 : — as you will observe by a copy of the said statement, authenticated by the Register, and which is sent for your information.

I have also a letter from one of our Delegates, the honourable Mr. *King*, covering a copy of a letter directed to the Delegates of the States of *Massachusetts* and *New York*, dated at *Philadelphia*, the 30th of *January*, from the three gentlemen appointed by Congress to ascertain, between those States, the eastern boundary line of *New York*.

They write, that the Legislatures of the respective States must furnish them with some observations of the variation of the magnetic needle, made at the time and place mentioned in their acts relative to that line, before they, the said Commissioners, can be of any service, as those acts stand: and that in case there are no such observations, in possession of either of the States, which are allowed of by both, they are of opinion the matter must be referred to the Legislatures of the said States, to make such an agreement as can be executed.

They wish to know as soon as may be, whether there be any such observations, or what course the two States intend to pursue, to supply the want of them, that they may order their affairs accordingly.

This business, Gentlemen, concerning which I sent you a message the 11th of *February*, requires a speedy determination. If on enquiry the requisite observations can, or cannot be found; I would suggest to your consideration, whether it would not be proper that the same Commissioners, who on our part were lately employed to run the said dividing line, should be fully empowered (if not already so) to agree, in the best manner they can, with the agents of *New York*, how it should be run; in the doing of which, the Commissioners of Congress might be assisting; and after the agreement, could immediately proceed to run the line.

By the former message, and the letter which accompanied it, you will observe those Commissioners expected, that suitable provision should be made for their accommodation, during the time they may be employed in this business: for the speedy finishing of which, and for preventing an unnecessary addition to the large sum already expended upon it, you will please, Gentlemen, to take the most effectual measures.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 6, 1786.*

Chapter 77.

Chap. 77 RESOLVE ON THE PETITION OF RALPH CROSS, ESQ; AND OTHERS, AUTHORIZING THE GOVERNOR TO COMMISSION STEPHEN SWEASY AND OTHERS, AS SECOND LIEUTENANTS IN THE SEVERAL COMPANIES IN SAID CROSS'S REGIMENT.

On the petition of Ralph Cross, Esq; and others, setting forth that Stephen Sweasy, Samuel Eaton, Wilaby Hoyt and Isaac Whittier, were some time in the month of January, 1785, severally elected second Lieutenants in certain companies belonging to the regiment of militia in the county of Essex, commanded by the said Ralph Cross, but by reason of the returns of their elections not having been made previously to the time when the law now in force for regulating the militia of this Commonwealth was enacted, the Governor cannot, consistently with the said law, commissionate them agreeably to their elections: Therefore

Resolved, That the Governor, he, and he hereby is, authorized to commissionate Stephen Sweasy, Samuel Eaton, Wilaby Hoyt and Isaac Whittier, as second Lieutenants in the several companies belonging to the regiment of militia in the county of Essex, commanded by Ralph Cross, Esq; and to which they have been severally elected; the returns of their elections as aforesaid not having been made to the Governor previously to the time when the present Militia Law passed, notwithstanding.

March 6, 1786.

Chapter 78.

Chap. 78 RESOLVE ON THE PETITION OF JOSEPH HENSHAW, AUTHORIZING THE JUSTICES OF THE COURT OF COMMON PLEAS, AT WORCESTER, TO EXAMINE THE PREMISES, HEAR THE PARTIES, &c. AND TO RECOMMIT THE AWARD MENTIONED.

On the petition of Joseph Henshaw, representing, that at the Court of Common Pleas, holden at Worcester, within and for the county of Worcester, in June last, he had two actions pending in the said Court, in which he was plaintiff, in one of which, Benjamin Eddy, and in the other Daniel Holden were the defendants; that said actions were referred, and referees were appointed, who made report to the said Court of Common Pleas at last September term, and that their awards were accepted, and judgment rendered in favour of the petitioner, as a certificate under

the hands of all the referees is exhibited, shewing that the design and true intent of the said referees was not understood by the Court, which has occasioned a failure of justice:

Resolved, That the Justices of the aforesaid Court of Common Pleas, at their next sessions, to be holden at Worcester, within and for the county of Worcester, on the last Tuesday of *March* next, be, and they are, hereby authorized and empowered to examine into the premises, hear the parties, and if it shall appear to be for the furtherance of justice, to recommit the aforesaid awards to the aforesaid referees, under the former rule, or to rectify any mistakes that shall appear to have taken place, in the same manner they might have done before record had been made, and to render judgment for what shall appear to be due, and issue execution accordingly. *Provided*, the petitioner serve the aforesaid defendants severally with an attested copy of this resolve, fourteen days at least before the said last Tuesday of *March* next. *March 6, 1786.*

Chapter 79.

RESOLVE ON THE PETITION OF NATHAN THAYER, LIBERATING HIM FROM HIS CONFINEMENT ON A JUDGMENT, ON SAID THAYER'S MAKING AND SIGNING HIS PROMISSORY NOTE TO THE TREASURER.

Chap. 79

On the petition of Nathan Thayer, now a prisoner in the common goal in the county of Suffolk, on a judgment in favour of the Commonwealth, the whole sum of the debt amounting to Fifty-five pounds, twelve shillings and two pence, declaring that he hath not now any property to satisfy the same, and praying to be released from his confinement, &c.

Resolved, That on the said Thayer's making and signing his promissory note to Thomas Ivers, Esq; Treasurer, and his successor in office, for the sum of *Fifty-five pounds, twelve shillings and two pence*, payable on demand, with interest until paid, and delivering the same to the keeper of the said goal, and paying the costs of suit and prison charges, he be liberated from his imprisonment on the aforesaid judgment; and the keeper of the goal is hereby directed to deliver the said note to the Treasurer, and file an attested copy of this resolve in the Clerk's office, with the execution by virtue of which the said Thayer was committed. *March 6, 1786.*

Chapter 80.

Chap. 80 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WILLIAMSBURGH, DIRECTING THE TREASURER TO CREDIT SAID TOWN, AND TO DISCOUNT THE SAME OUT OF THE NEXT STATE TAX.

On the petition of the Selectmen of the town of Williamsburgh, in behalf of said town, praying for an abatement of taxes, for reasons set forth in said petition, it appearing that said town stands charged in the valuation of 1782, for thirty polls more than they had when said valuation was taken and settled.

Resolved, That the Treasurer of this Commonwealth be, and he is, hereby directed to credit said town of Williamsburgh, for the sum of Ninety-five pounds, twelve shillings and six pence, and discount the same out of the next State Tax, to be assessed on said town.

March 6, 1786.

Chapter 81.

Chap. 81 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have had a letter from Governor *Henry*, of *Virginia*, of the 30th of *January*: enclosing several resolutions of the assembly of that State, dated the 13th of the same month.

In one of those resolutions, the Legislatures of all the States in the Union are requested to nominate Commissioners for the purpose expressed in a preceding resolution, which respects the commerce and revenue of *Virginia* and *Maryland*, particularly in regard to duties on imports and exports.

This resolution seems to have given rise to another in the House of Delegates, of the 21st of *January*, by which it appears, that eight Gentlemen therein named, or any three of them, are appointed Commissioners to meet such Commissioners as may be appointed by the other States in the Union, to take into consideration the trade of the United States, to examine the relative situation and trad

of the said States, to consider how far an uniform system in their commercial regulations may be necessary to their common interest, and their permanent harmony: and to report to the several States such an act relative to this great object, as, when unanimously ratified by them, will enable Congress effectually to provide for the same: and that the said Commissioners shall immediately transmit to the several States, copies of this resolution, with a circular letter requesting their concurrence therein, and proposing a time and place for the meeting aforesaid.

Though the circular letter has not yet been received, there is by another way, satisfactory evidence, that the last mentioned resolution has been passed by the House of Delegates of *Virginia*.

It is a very happy circumstance, that the Delegates of *Virginia* have adopted this mode of communication between the several States; which, having for its object their relative situation and trade, whereby it may be determined how far an uniform commercial system may be necessary to their common interest, will probably be productive of some agreement, that may be greatly beneficial to the whole: particularly by effecting the establishment of such regulations of commerce, as may serve to counterwork the regulations of any foreign power, calculated to prejudice the commerce of the United States.

As so fair an opportunity offers for effecting the important purpose, intended to be effected by our late acts, for regulating navigation and commerce, there can be no room, Gentlemen, to doubt of your readiness to concur with the proposal of the Legislature of *Virginia*: by appointing Commissioners for the purposes expressed in the resolutions aforesaid.

If the Gentlemen appointed agents in behalf of this Commonwealth, to conduct and prosecute our claims to lands, controverted by *New York*, and lying to the westward of that State, should be called to attend upon the Court specially instituted for settling those claims, and at a time convenient for meeting the *Virginia* Commissioners, it might in several views be beneficial to the Commonwealth to appoint them Commissioners for that purpose.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 7, 1786.*

Chapter 82.

- Chap. 82* RESOLVE ON THE PETITION OF *OLIVER HOLMAN*, DIRECTING THE SHERIFF OF WORCESTER COUNTY TO LIBERATE HIM FROM GOAL, ON BONDS BEING GIVEN FOR THE SUM OF ONE HUNDRED SEVENTY-NINE POUNDS AND SEVEN PENCE HALF PENNY.

On the petition of Oliver Holman, Collector of taxes, a prisoner in the goal at Worcester, representing his inability to pay the sum for which he is committed, and praying relief, for reasons set forth in said petition :

Resolved, That the Sheriff of the county of Worcester, be, and he is, hereby directed to receive bonds from the Selectmen of the town of *Athol*, to the Treasurer of this Commonwealth, conditioned for the payment of *One hundred and seventy-nine pounds and seven pence half penny*, in such proportions of certificates, new emission money and specie, as are required in the several taxes, in the collection and payment of which, the said *Holman* has been delinquent, within six months from the date of this resolve ; and on the receipt thereof, and of the costs, to liberate the said *Oliver Holman* from his confinement.

March 7, 1786.

Chapter 83.

- Chap. 83* RESOLVE ON THE PETITION OF *THOMAS BRATTLE*, ESQ; AUTHORIZING THE JUDGE OF PROBATE, OF MIDDLESEX, TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIMS AGAINST *DAVID PHIPPS'S* ESTATE.

On the petition of Thomas Brattle, Esq; praying his claim against the estate of David Phipps, Esq; may be examined and allowed :

Resolved, That the Judge of Probate for the county of *Middlesex*, be, and he is, hereby authorized (at the expence of the petitioner) to appoint Commissioners to examine the claims of *Thomas Brattle*, Esq ; to the estate of *David Phipps*, Esq ; late of *Cambridge*, an absentee, and to certify the same to the Governor, if any balance shall be found due to said *Brattle*.

March 7, 1786.

Chapter 84.

- Chap. 84* RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF FRAMINGHAM, EMPOWERING *JAMES MELLEN* TO COLLECT TAXES IN THE ROOM OF *THOMAS BENT*.

On the petition of the Selectmen of the town of Framingham, praying that James Mellen may be authorized and

empowered to collect taxes in the room of Thomas Bent, for reasons set forth in the petition:

Resolved, That the said *James Mellen*, be, and he hereby is, empowered to demand of all persons from whom any sum or sums of money may be due on any taxes committed to him by the Assessors of said town of *Framingham* to collect, whatever may be due from them respectively: and the said *James Mellen* being chosen to said office by the inhabitants of the town aforesaid, shall on his taking the oath of said office, be vested with all the powers, and subject to all the penalties, as other Collectors are by law within this Commonwealth; and his election shall be deemed equally valid as it would have been, had he been chosen in the month of *March*.

March 7, 1786.

Chapter 85.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *HANCOCK*, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR A CERTAIN FINE LAID ON SAID TOWN.

Chap. 85

On the petition of the Selectmen of the town of Hancock, praying that said town may be released from a fine of Two hundred and twenty-two pounds, five shillings, laid on that town, for not raising three men to reinforce the Continental army, agreeable to the directions of the General Court, in the year 1782, on account of their peculiar situation, and for reasons set forth in their petition:

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth, be, and he is, hereby directed to credit the said town of *Hancock*, *Two hundred and twenty-two pounds, five shillings*, it being the fine laid on said town as aforesaid.

March 7, 1786.

Chapter 86.

RESOLVE DIRECTING THE TREASURER TO DISCHARGE *JOHN SHERMAN*, ONE OF THE COLLECTORS OF TAXES FOR THE TOWN OF *ROCHESTER*, FOR 1759, FROM THE SUM MENTIONED.

Chap. 86

Whereas it appears to this Court, that John Sherman, one of the Collectors of taxes for the town of Rochester, for the year 1759, stands charged in the treasury of this

Commonwealth, with a balance of the sum of Four pounds, thirteen shillings and one penny, which in consequence of a special order of the General Court, passed in the year 1760, the said John has not power to collect:

Resolved, That the Treasurer, be, and he is, hereby directed to discharge the said John Sherman from the aforesaid sum of Four pounds, thirteen shillings and one penny, it being the balance due from said Sherman.

March 7, 1786.

Chapter 87.

Chap. 87 RESOLVE ON THE PETITION OF JOSIAH REED, IN BEHALF OF THE TOWN OF DOUGLAS, DIRECTING THE TREASURER TO CREDIT SAID TOWN THE AVERAGE PRICE OF A MAN.

On the petition of Josiah Reed, in behalf of the town of Douglas, setting forth that said town was fined for the deficiency of one man, to serve as a soldier for three years, agreeably to a resolve of December the second, seventeen hundred and eighty, and praying that said fine may be abated. — Whereas it appears by a certificate from the Secretary, that the town of Douglas, did procure all the men required of them by the resolve aforesaid:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the town of Douglas, the sum of Two hundred and fourteen pounds, two shillings and six pence, upon the tax of March, seventeen hundred and eighty-three, which is the fine and average price of one man, required by a resolve of the second of December, seventeen hundred and eighty.

March 7, 1786.

Chapter 88.

Chap. 88 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF SANFORD, GRANTING ONE HUNDRED AND TWENTY POUNDS, IN CASE SAID TOWN HAS PAID IN SAID TAX MENTIONED, OR IF NOT PAID, THE TREASURER IS DIRECTED TO CREDIT SAID TOWN.

On the petition of the Selectmen of the town of Sanford, representing that in compliance with a resolve of the General Court of the 30th of June, 1781, said town procured six men to serve three months, and paid their bounties and mileage, which six men actually marched

and served the aforesaid term of three months, notwithstanding the said town was assessed for the fines and average price, One hundred and twenty pounds, for the deficiency of said six men, in the tax granted in the year 1783:

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *Caleb Emery*, one of the petitioners, for the use of said town of *Sanford*, *One hundred and twenty pounds*, if said town has paid in said tax to the said treasury; but if the same has not been paid, the Treasurer of this Commonwealth is hereby directed to credit said town for the aforesaid sum, of *One hundred and twenty pounds*, in full compensation therefor.

March 7, 1786.

Chapter 89.

RESOLVE ON THE PETITION OF *JONATHAN PHILBRICK, JOHN SANBORN* AND OTHERS, HOLDING THE INHABITANTS OF THE PLANTATION, LATELY KNOWN BY THE NAME OF *PEARSONTOWN*, NOW INCORPORATED BY THE NAME OF *STANDISH*, TO PAY A SUM OF MONEY IN DISCHARGE OF SEVERAL TAXES LAID UPON SAID PLANTATION; THE PETITIONERS TO TAKE THE OATH REQUIRED TO QUALIFY THEM AS ASSESSORS AND COLLECTORS, AND DIRECTING THEM TO ASSESS THE SAID SUM MENTIONED. Chap. 89

On the petition of Jonathan Philbrick and others, shewing that they were by the Court of General Sessions of the Peace for the county of Cumberland, appointed Assessors and Collectors of taxes for the plantation called Pearson-town; and were severally notified by one of the Justices of the Peace for the same county, to appear before him, to take the oath to qualify them for the aforesaid offices of Assessors and Collectors; that they, the petitioners, are much embarrassed, finding that if they should take the oaths aforesaid, it would be their duty to assess and collect all the taxes that have been ordered to be assessed on the aforesaid plantation, ever since their first settlement (being more than twenty years) which the petitioners apprehend will be impracticable for them to execute with any tolerable degree of equity, and that the whole amount will be much beyond the ability of the inhabitants to pay, and praying the consideration of this Court:

Resolved, That the inhabitants of the said plantation, lately known by the name of *Pearsontown*, now incorporated into a town by the name of *Standish*, be held to

pay the sum of *Five hundred pounds* only, in discharge of the whole of the several taxes laid upon the said plantation previous to their incorporation aforesaid.

And be it further *Resolved*, That the aforesaid petitioners, after severally taking the oath required by law to qualify them for their respective offices of Assessors or Collectors, as aforesaid, shall be excused from paying the whole or any part of the penalty, which by law they were subjected to, by neglecting to take the oaths of their respective offices, when required thereto; provided they shall take such oath respectively, on or before the 15th day of *April* next, any law to the contrary notwithstanding.

And be it further *Resolved*, That the aforesaid Assessors, be, and they hereby are, directed to assess the aforesaid sum of *Five hundred pounds*, on the polls and estates of the inhabitants of the said town of *Standish*, agreeably to the rules and directions in the last Tax Act made and provided; and the same assessment commit to a Collector or Collectors for the town aforesaid, and certify to the Treasurer of this Commonwealth their doings, and the sum or sums so assessed and committed to a Collector or Collectors, on or before the last day of *May* next.

March 8, 1786.

Chapter 90.

Chap. 90 RESOLVE ON THE PETITION OF *RICHARD SQUIRE* AND *JOHN MATTHEWS*, AUTHORIZING THE JUSTICES OF THE COURT APPOINTED FOR THE TRIAL OF PIRACIES AND FELONIES ON THE HIGH SEAS, TO SENTENCE SAID CONVICTS TO HARD LABOUR, AND NOT TO PASS SENTENCE OF DEATH.

On the petition of Richard Squire and John Matthews, setting forth that they have been convicted before the Court appointed for the trial of Piracies and Felonies on the High Seas, in the county of Essex, of felony and robbery on the high seas, for which crimes sentence has not been passed against them; and praying that they may be sentenced to hard labour for any term of time which to the Justices of the said Court may seem reasonable:

Resolved, That the Justices of the Court appointed for the trial of Piracies and Felonies on the High Seas, be, and they hereby are, authorized and empowered to sentence the said *Squire* and *Matthews* for the offence aforesaid,

for which they are convicted as aforesaid, to hard labour, for any term of time which to the said Justices may seem reasonable; and not to pass sentence of death against them. *Provided*, the said *Squire* and *Matthews* shall waive all exceptions to the said verdict, and all other exceptions to the proceedings already had against them, and comply with such further requisitions as the said Court may think necessary, to render the judgment and proceedings in said cause regular and legal.

March 8, 1786.

Chapter 91.

RESOLVE MAKING CERTAIN ALTERATIONS IN THE VALUATION IN CONSEQUENCE OF SUNDRY ACTS, SETTING OFF PERSONS FROM ONE TOWN AND ANNEXING THEM TO OTHERS, AND DIRECTING THE SECRETARY TO CAUSE THE SEVERAL COUNTY BOOKS CONTAINING THE ESTIMATES, WITH THE REPORT OF THE VALUATION COMMITTEE, TO BE BOUND IN ONE VOLUME, AND TO CAUSE THE NEW DRAFT, WITH THE ALTERATION, TO BE PRINTED WITH THE RESOLVES OF COURT.

Chap. 91

Whereas the alterations hereafter named are found necessary to be made in the valuation, in consequence of sundry acts, setting off one or more persons from one town, and annexing them to other towns:

	£.	s.	d.
<i>Ordered</i> , That there be deducted from the town of <i>Ipswich</i> , and added to the town of <i>Rowley</i> ,	0	1	6 $\frac{1}{2}$
Deducted from the town of <i>Conway</i> and added to <i>Goshen</i> ,	0	0	8
Deducted from the town of <i>Westminster</i> ,	£ 0	7	9 $\frac{1}{4}$
Deducted from the town of <i>Templeton</i> ,	0	0	1 $\frac{1}{2}$
Deducted from the town of <i>Winchendon</i> ,	0	4	8 $\frac{1}{2}$
Deducted from the town of <i>Ashburnham</i> ,	0	2	4 $\frac{1}{2}$
<hr/>			
Placed to the town of <i>Gardner</i> ,	0	14	11 $\frac{3}{4}$
Deducted from the town of <i>Framingham</i> , and added to <i>Southborough</i> ,	0	1	3
Deducted from the town of <i>Shrewsbury</i> , and placed to the town of <i>Boylston</i> ,	2	13	9 $\frac{3}{4}$

And it is further *Ordered*, That the Secretary be, and he hereby is, directed to cause the several county books which contain the estimates of the property returned from the several towns, districts and plantations in this Commonwealth, with the report of the Committee of Valuation, and the new draft, which (together with this order) determines the sum each town, district and plantation

shall pay to a *thousand pounds*, to be bound in one volume, and lodged in the Secretary's office. And the Secretary is further directed to cause the said new draft, with the alteration aforesaid, to be printed with the resolves of the General Court. *March 10, 1786.*

Chapter 92.

Chap. 92 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By a letter from the Secretary of Congress, accompanied with a state of the representation in Congress for the month of *February*, it appears there have been but eight States represented, and for a small part only of that month. The letter mentions, that by this and the three other statements transmitted since the meeting of Congress on the first Monday in *November* last, it will be seen that there has not been a single day, a number of States assembled sufficient to proceed on the great business of the Union; indeed for half the time, not a number sufficient to do more than adjourn from day to day.

This want of a complete representation, must be productive of great evils to the Union, if the deficient States continue to neglect their duty with regard to delegation. It will afford us some degree of satisfaction to reflect, that those evils, if they should come upon the Union, will not be chargeable to any such deficiency on the part of this Commonwealth.

I have received another letter from the Secretary of Congress, of the 28th of *February*, enclosing a resolution of Congress, passed the 7th of *June* last, recommending to the several States, to make provision for all the officers, soldiers or seamen, resident in their respective States, who have served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service, so as to be incapable of military duty, or of obtaining a livelihood by labour; and the manner of making that provision, is very particularly described in the said resolution.

A copy of that resolution was transmitted by Mr. Secretary *Thomson*, with his letter of the 9th of *June*; and they

were both laid before you, accompanied with a message upon the subject, of the 20th of that month.

As the provision recommended, has not yet been made, I do, Gentlemen, agreeably to the request contained in that letter, again lay this matter before you, for your consideration and determination.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 10, 1786.*

Chapter 93.

RESOLVE ON THE PETITION OF *EZRA SARGEANT*, IN BEHALF OF THE TOWN OF *MALDEN*, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH A CERTAIN QUANTITY OF BEEF.

Chap. 93

On the petition of Ezra Sargeant, Esq; in behalf of the town of Malden, praying that the said town may be credited on an execution issued by the Treasurer of this Commonwealth, for a deficiency of beef required of said town:

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth, be, and he is, hereby directed to credit the said town of *Malden*, for two thousand three hundred and thirty-nine pounds of beef, at *four pence* per pound, amounting to *Thirty-eight pounds, nineteen shillings and eight pence*, on the aforementioned execution. *March 11, 1786.*

Chapter 94.

RESOLVE ON THE MEMORIAL OF *HANNAH THOMAS*, RELATIVE TO THE LIGHT HOUSE ON THE *GURNET*, DIRECTING THE OWNERS TO CERTIFY TO THE GOVERNOR, THE PERSON TO WHOM THE CARE OF THE LIGHT HOUSE IS COMMITTED, AND EMPOWERING THE SELECTMEN OF *PLYMOUTH* TO INSPECT SAID LIGHT HOUSE, AND REPEALING PART OF A RESOLVE PASSED *JULY 2, 1783.*

Chap. 94

On the memorial of Hannah Thomas, setting forth, that by an agreement, bearing date November 23, 1768, entered into with the government of the late province of Massachusetts Bay, she is entitled to the exclusive privilege of keeping the light house on the Gurnet, at the entrance of Plymouth harbour, and praying she may enjoy said privilege.

Whereas it appears to this court, that by an agreement made between a Committee of the General Court and John Thomas, Esq; and Hannah, his wife, of Kingston, and John Thomas, of Plymouth, all in the late province of Massachusetts Bay, bearing date the 23d of November, 1768, that the offer, benefit and privileges of keeping and tending the light house on an island called the Gurnet, at the entrance of Plymouth harbour, is reserved to the said John, Hannah and John, owners of the said island, and their heirs and assigns:

Resolved, That the owner or owners of the said island, and their heirs and assigns, shall on or before the first day of *January*, every year, certify to the Governor for the time being, in writing, the name of the person to whose immediate care the said light house shall be committed, who shall be subject to such rules relating to the keeping and tending the said light house, as the Governor, with the advice of the Council, shall from time to time order and appoint:

Resolved, That the Selectmen of the town of *Plymouth*, or their successors in office, be, and they are, hereby empowered to inspect the said light house, and see that the same be well tended and kept, and make report thereof to the Governor, once at least in every year.

Resolved, That the resolve of the General Court, passed the 2d of *July*, 1783, so far as it relates to keeping and tending the light house on the said island, be, and it hereby is, repealed.

March 11, 1786.

Chapter 95.

Chap. 95 RESOLVE EXEMPTING JAMES LOCKE AND OTHERS, PROPRIETORS OF THE TOWNSHIP OF TOWNSEND, FROM PAYING A CERTAIN SUM MENTIONED IN A RESOLVE OF THE 17TH OF MARCH, 1785, AND EXTENDING THE TIME FOR MAKING IMPROVEMENTS, AND GRANTING AND CONFIRMING SAID TOWNSHIP TO CERTAIN PROPRIETORS.

Whereas by a resolve of the General Court, of the 17th of March, 1785, a Township, called No. 3, surveyed by Rufus Putnam, Esq; A. D. 1784, was granted to certain Proprietors of Townsend, on certain conditions, to be performed by the said Proprietors, as mentioned in the said resolve; and as it appears to this Court improper to insist on a compliance with all the conditions mentioned in the said resolve: Therefore

Resolved, That the said Proprietors, be, and they are, hereby excused and exempted from paying the sum of *Eight hundred and seventy pounds*, mentioned in the said resolve, and that the time for settling and making improvements in said Township No. 3, shall be, and hereby is, extended to the expiration of six years from the 17th of *March* instant, and the time for transmitting evidence by each Proprietor to the Secretary's office, of his being a Proprietor, is hereby extended to the 17th day of *March*, 1787.

And it is further *Resolved*, That the said Township, No. 3, be, and it is, hereby granted and confirmed to such of the Proprietors of said Township of *Townsend*, and other persons interested therein, as have not heretofore received compensation for the lands lost, by running the *New Hampshire* line, and to their heirs and assigns, with the reservations, and on the provisos and conditions expressed in the said resolve of the 17th of *March* last, except so far as relates to the payment of the money from which they are exempted, and to the time of settling and transmitting evidence to the Secretary, which is extended by this resolve.

March 11, 1786.

Chapter 96.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY. *Chap. 96*

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

I have just received an act of Congress of the 3d instant, on the subject of their resolutions of the 30th of *April*, 1784. In those resolutions it was recommended to the Legislatures of the several States, to vest Congress for fifteen years with power to prohibit goods, wares or merchandize from being imported into, or exported from any of the States, in vessels belonging to or navigated by the subjects of any power with whom these States shall not have formed treaties of commerce, and to prohibit the subjects of any foreign State, unless authorized by treaty, from importing into the United States any goods, wares or merchandize, which are not the produce or manufacture of the dominions of the sovereign whose subjects they are.

By the said act it appears, that four States, of which *Massachusetts* is one, have enacted laws conformable to these recommendations; that three other States have also

complied with them, but have determined the time of commencement differently, so that there will be a difference in the duration of the power granted; that three other States have passed laws in pursuance of the recommendations, but so inconsonant to them, that they cannot be deemed compliances; and that three other States have passed no acts whatever, relative to the subject, and all the said deficient States are earnestly solicited to pass laws, exactly conformable to the aforesaid recommendations.

The letter of the Secretary of Congress, together with the said act, will be laid before you for your further information.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 13, 1786.*

Chapter 97.

Chap. 97 RESOLVE ON THE PETITION OF JOHN CALDERWOOD AND OTHER INHABITANTS OF FOX ISLANDS CONFIRMING THOSE ISLANDS TO THE SETTLERS, WHO SETTLED THERE BEFORE THE 1ST DAY OF JANUARY, 1784, THEIR HEIRS AND ASSIGNS, ON CERTAIN CONDITIONS.

Whereas it appears to this Court, from a survey and plan of certain islands laying in Penobscot bay, within the county of Lincoln, called Fox Islands, taken by Rufus Putnam, Esq; in the year 1785, that the said islands contain in the whole, sixteen thousand, five hundred and twenty-seven acres (and that not more than one half of said islands, are of any value) whereon were seventy-two settlers, before the 1st day of January, 1784; and whereas John Calderwood and others, settlers on the said islands, have petitioned this Court, for a grant of the same to them, their heirs and assigns: Therefore

Resolved, That all the islands belonging to and composing the division of the Fox Islands, as described in the aforesaid plan, viz. : bounded westerly and northerly on Penobscot bay, — easterly on Fox Island bay (which separates these islands from the Isle of Holt and Deer Island divisions of islands) ; and southerly on the Atlantic ocean; be, and they hereby are, granted and confirmed, with all the privileges and appurtenances to the same belonging, to John Calderwood and the other settlers, who settled there before the 1st day of January, 1784, their heirs and assigns, on condition the said John Calder-

wood and others interested as aforesaid, appropriate (of good land) two hundred acres for the use of the ministry, and two hundred acres for the use of a grammar school, and that they pay into the treasury of this Commonwealth, within one year from this date, on interest, the sum of *One hundred and eight pounds*, in specie, for the expence of surveying the said islands, and other charges; and also the sum of *Sixty-six pounds, seven shillings*, in consolidated securities of this Commonwealth; provided, that where any original settler has sold, or otherwise disposed of his improvements, to any other person, the purchaser of such improvements, his heirs and assigns, shall hold the same lands, which such original settler would have held, by virtue of this resolve, if there had been no such sale or disposition.

March 13, 1786.

Chapter 98.

RESOLVE GRANTING TO *HUGH ORR, ESQ;* AND OTHERS, A COMMITTEE APPOINTED BY THE GENERAL COURT, *THIRTY POUNDS*, NOW IN THEIR HANDS, AND DIRECTING SAID COMMITTEE TO PAY *ONE HUNDRED FORTY-SEVEN POUNDS, FIFTEEN SHILLINGS AND TEN PENCE*, IN SPECIE; AND *TWO HUNDRED AND TWENTY-THREE POUNDS, TWO SHILLINGS AND EIGHT PENCE*, IN LOAN OFFICE CERTIFICATES. Chap. 98

Whereas it appears by the examination of the accounts of Hugh Orr, Esq; and others, a Committee appointed by a resolve of the General Court, to purchase certain military stores, and to perform other services relative to the same, that there is in the hands of the said Committee, a balance of Two hundred twenty-three pounds, two shillings and eight pence, in Loan Office certificates; and also a further sum of One hundred and seventy-seven pounds, fifteen shillings and ten pence, in specie, which the said Committee are ready to pay to the order of the General Court: Therefore

Resolved, That there be allowed to the said Committee, jointly, out of the specie balance now in their hands, the sum of *Thirty pounds*, in full compensation for their services in executing their commission as aforesaid.

And it is further *Resolved*, That the said Committee, be, and they are, hereby directed to pay to the Treasurer of this Commonwealth, the aforesaid sum of *Two hundred and twenty-three pounds, two shillings, and eight pence*, in Loan Office certificates; and also the further sum of *One hundred and forty-seven pounds, fifteen shillings and ten*

pence, in specie, taking duplicate receipts for the same, one of which, the said Committee shall lodge in the Secretary's office; and upon so doing, the said Committee shall be fully discharged.

March 13, 1786.

Chapter 99.

Chap. 99 RESOLVE ABATING THE PLANTATION OF SYLVESTER, IN THE COUNTY OF CUMBERLAND, ALL THE TAXES, EXCEPT ONE HUNDRED AND FIFTY POUNDS, AND DIRECTING THE TREASURER TO CREDIT SAID TOWN.

Whereas the Committee appointed to view the circumstances of the plantation of Sylvester, in the county of Cumberland, have reported that said plantation ought to be abated part of their taxes: Therefore

Resolved, That the plantation of *Sylvester*, in the county of *Cumberland*, be abated all the taxes with which they are now charged, except *One hundred and fifty pounds*; and the Treasurer of this Commonwealth is hereby directed to credit the said plantation accordingly.

March 13, 1786.

Chapter 100.

Chap. 100 RESOLVE MAKING AN ALLOWANCE TO WILLIAM HARRIS, FIRST CLERK IN SECRETARY'S OFFICE.

On the petition of William Harris, first Clerk in the Secretary's office:

Resolved, That the resolve of *December* the first, 1785, so far as it respects the pay of *eight shillings* per day to the Deputy Secretary, be, and it is, hereby repealed: And it is further

Resolved, That the sum of *nine shillings* per day, be allowed and paid unto *William Harris*, from the said first day of *December*, as first Clerk in the Secretary's office, for each day employed in said business, and that the Committee of accounts, in auditing the said *William's* account, govern themselves accordingly.

March 13, 1786.

Chapter 101.

Chap. 101 RESOLVE ON THE PETITION OF THOMAS KNIGHT, GRANTING HIM LIBERTY TO PRESENT HIS PAY ROLL FOR HIMSELF AND MEN, WHO SERVED IN THE YEAR 1780.

On the petition of Thomas Knight, praying that the time set by an act of the General Court, passed February

the 9th, 1785, for bringing in the claims against this Commonwealth, may be lengthened:

Resolved, That the prayer of the petition be so far granted, as that the said *Thomas Knight* have liberty to present his pay roll for himself and the men that served under him in the year 1780, for allowance and payment, any law or resolve to the contrary notwithstanding.

March 13, 1786.

Chapter 102.

RESOLVE ON THE PETITION OF *CYRUS FAIRBANK*, OF *LANCASTER*, DIRECTING THE ASSESSORS TO GIVE NOTICE TO THOSE PERSONS MENTIONED.

Chap. 102

On the petition of Cyrus Fairbank, of Lancaster, setting forth that he was appointed Agent on the estate of Joseph Moor, late of Lancaster, an absentee; and that he hath now in his hands, certain rate bills, which were committed to the said Moor, before he absented himself from this Commonwealth, whereby it appears that the sum of about Seventy pounds, now remains uncollected by the said Moor, and praying for the direction of this Court, relating to the said rate bills:

Resolved, That the petitioner forthwith lay before the Assessors of the town of *Lancaster*, for the present year, the rate bills beforementioned; and the said Assessors are hereby directed, forthwith to give notice to those persons whose rates are not crossed on the said bills, that they may bring proof (if any they have) of their having paid the same, or any part thereof, which if not performed to the satisfaction of the said Assessors, within twenty days after such notice is given, they shall make out a fair list of the names of the several persons, who shall appear to them to have not paid the several sums assessed on them in the bills aforesaid, and of the sums set against each of their names, and deliver such new list unto the petitioner, *Cyrus Fairbank* aforesaid, who is hereby fully authorized and directed to collect all such sums of money as shall be borne on such new list, in the same manner as other Collectors are by law empowered to collect taxes; and to dispose of the same, when collected, in the manner provided by law for the disposal of absentees estates; for which service, the said *Cyrus Fairbank* shall receive such allowance as the Judge of Probate for the county of *Worcester* shall order.

March 13, 1786.

Chapter 103.

Chap.103 THE PROPRIETORS OF THE PLANTATION OF SYLVESTER, IN THE COUNTY OF CUMBERLAND, TO BE NOTIFIED TO SHEW CAUSE.

Whereas the Committee appointed to view the circumstances of the plantation of Sylvester, in the county of Cumberland, have reported that it is expedient and necessary, that said plantation should be incorporated into a town, and that the Proprietors of said plantation should be required to settle more families on said plantation.

Ordered, That the Proprietors of the plantation of Sylvester, be notified to shew cause, if any they have, on the second Wednesday of the first session of the next General Court, why said plantation should not be incorporated into a town, and why said Proprietors should not be required to settle more families on said plantation.

*And the Secretary of this Commonwealth is hereby directed to notify said Proprietors, by publishing this order in one of the *Boston* and the *Falmouth* newspapers, three weeks successively before the said second Wednesday of the first session of the next General Court.*

March 13, 1786.

Chapter 104.

Chap.104 RESOLVE ON THE GOVERNOR'S MESSAGE, OF THE 10TH OF FEBRUARY, 1786, RESPECTING THE CONDUCT OF A MR. WYER, THE HIGH SHERIFF OF CHARLOTTE COUNTY, IN THE BRITISH PROVINCE OF NEW BRUNSWICK, REQUESTING HIS EXCELLENCY TO PROCURE THE NECESSARY EVIDENCE, AND TO TRANSMIT THE SAME TO CONGRESS.

The Committee of both Houses, to whom was committed the message of his Excellency the Governor, of the 10th of *February*, 1786, respecting the conduct of a Mr. *Wyer*, the High Sheriff of *Charlotte* county, in the British province of *New Brunswick*, in taking and carrying off the body of Mr. *Tuttle* (on an action of debt) from *Moose Island*, as represented in a letter from *James Avery*, Esq; to Mr. Secretary *Avery*, dated at *Machias*, the 24th of *December* last, — have attended that service, and ask leave to report as their opinion:—That the matter complained of in the said letter, involves in it such a great national question, respecting the bounds of

territory, as can only be taken up with propriety by Congress :— That therefore his Excellency the Governor, be requested to procure, as soon as possible, the evidence necessary to ascertain the facts complained of, and to transmit the same to the Delegates of this State in Congress, to be by them laid before the United States in Congress assembled, for their consideration and determination.

And with regard to the latter clause of the Governor's message, respecting the conduct of the Naval Officers and their Deputies, the Committee are of opinion, that the difficulty mentioned in the letter from *James Avery*, Esq; Collector at *Machias*, may be prevented in future, by directing the Secretary to transmit, forthwith, to each of the Naval Officers in that department, printed copies of the several acts and resolves, now in force, that respect the office and duty of Naval Officers, and their Deputies, that so no plea of ignorance in their duty may for the future be made.

And whereas another message from his Excellency the Governor, dated *November* 24, 1785, (which was committed to a joint Committee at the last sitting of the General Court, but not acted upon) is now committed to the present Committee, in which his Excellency acquaints the two houses with the conduct of the aforementioned Sheriff, in compelling the inhabitants of *Moose Island* to send Jurors to the county Court of *Charlotte* county, on pain of forfeiting their estates in case of refusal; and that on his representing to Mr. *Carleton*, Governor of *New Brunswick*, the conduct of the said Sheriff, he received from the said Governor such an answer as contained an implied declaration, "that the said island, with several other islands, is, by virtue of the treaty of peace, within that Province." And that thereupon he had, by letter to our Delegates, informed Congress of those proceedings, and also sent an account of them to the minister of the United States at *London*. This Committee therefore ask leave further to report as their opinion, that the early attention and vigilance of his Excellency the Governor, in taking such prudent care that the Commonwealth should suffer no harm, is worthy the character of a virtuous and patriotic Governor, and deserves the warm approbation of the legislative body: and that his Excellency be requested to procure all such further evidence as may be

thought needful to be laid before Congress, and take all such other measures as he shall think requisite, to prevent encroachments on the territorial rights and sovereignty of this Commonwealth, and of the United States. All which is submitted.

RICHARD CRANCH, per order.

Read and accepted.

March 13, 1786.

Chapter 105.

Chap.105 RESOLVE ON THE PETITION OF *ELISHA MITCHELL*, IN BEHALF OF *JAMES ROBERTSON*, GRANTING HIM *TWENTY-ONE POUNDS AND TWO PENCE*, BEING THE SUM DRAWN BY THE FORGED ORDER MENTIONED.

On the petition of Elisha Mitchell, for and in behalf of James Robertson, praying for a sum of money due to said Robertson, for the services of his two sons in the army, and which has been drawn out of the treasury by a forged order:

Resolved, That the prayer of said petition be so far granted, that there be paid out of the treasury of this Commonwealth, in consolidated notes, to the said *James Robertson*, the sum of *Twenty-one pounds and two pence*, being the sum drawn by the forged order aforesaid, and the sum due to the said *Robertson* for the services of his two sons, deceased.

March 14, 1786.

Chapter 106.

Chap.106 RESOLVE ON THE PETITION OF *JAMES LLOYD* AND *BENJAMIN GREENE*, DIRECTING THE COMMITTEE TO SELL CONFISCATED ESTATES IN THE COUNTY OF *SUFFOLK*, TO SELL ANY ESTATE OF *JOHN ERVING, JUN., ESQ*; WHICH HAS BEEN CONFISCATED, AND DIRECTING THE JUDGE OF PROBATE TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIMS OF THE CREDITORS TO SAID ESTATE.

On the petition of James Lloyd and Benjamin Greene, in behalf of themselves and others, creditors to the estate of John Erving, jun., Esq; praying the estate of said Erving may be sold for the benefit of the creditors:

Resolved, That the Committee who were appointed to sell confiscated estates in the county of *Suffolk*, be, and they are, hereby authorized and directed to sell any estate of the said *John Erving, jun., Esq*; which has been confiscated to the use of this Commonwealth; said Committee to observe the rules and directions heretofore given them for the sale of confiscated estates.

And it is further *Resolved*, That the Judge of Probate for the county of *Suffolk*, be, and he is, hereby authorized to appoint Commissioners to examine the claims of the creditors to the estate of said *John Erving*, jun., Esq.

March 15, 1786.

Chapter 107.

RESOLVE REQUESTING THE GOVERNOR TO TRANSMIT TO THE DELEGATES IN CONGRESS, COPIES OF THE LETTERS PASSED BETWEEN THE COMMISSIONERS ELECTED JUNE 4, 1784, AND THE COMMISSIONERS ON THE PART OF NEW YORK, TO ASCERTAIN THE BOUNDARY LINE IN THE EASTERN EXTREMITY OF NEW YORK, AND APPOINTING AGENTS, GIVING THEM CERTAIN AUTHORITY.

Chap.107

Resolved, That his Excellency the Governor, be, and he hereby is, requested to transmit to the Delegates in Congress, from this State, copies of the letters which passed between the Commissioners appointed on the part of this Commonwealth, by an act of June 4, 1784, and the Commissioners appointed on the part of the State of *New York*, to ascertain and run the boundary line between this Commonwealth and the State of *New York*, on the eastern extremity of the State of *New York*; and to inform the said Delegates, that it was the opinion of the said Commissioners on the part of this State, that the variation of the magnetic meridian in the year 1773, at the beginning of the line above mentioned, might be ascertained with a sufficient degree of precision, by means of the observations and minutes made by the Commissioners appointed on the part of each of the said States, in the year 1773, which are referred to, in the letters above mentioned, and which are the only observations on the quantity of the variation of the needle, at the time and place aforesaid, in the possession of this State.

And it is further *Resolved*, that *Timothy Edwards*, *Jahleel Woodbridge*, and *Theodore Sedgwick*, Esquires, be, and they are, hereby appointed Agents on the part of this Commonwealth, who, or the major part of whom, are hereby vested with all the powers with which the Commissioners on the part of this Commonwealth were vested by the act aforesaid, passed the 4th of June, 1784, and authority is hereby given to the said Agents, or the major part of them, to furnish the said Commissioners appointed by Congress, with the documents, papers and observations,

necessary to ascertain the said line, and with the assistance of the Commissioners of Congress, to agree with the Agents of the State of *New York*, how the said line shall be run, if such agreement can be made on the principles of justice; and in case such an agreement cannot be made, it is the expectation of this Commonwealth that the Commissioners appointed by Congress to run the said line of jurisdiction, do, and they or any two of them, hereby are empowered on the part of this Commonwealth, to proceed upon, and accomplish that business, upon such principles and observations, as shall appear to them the least liable to error: and the said Agents are hereby directed to make suitable provision for the accommodation of the said Commissioners, during the time that they may be employed in the said business: and the said Agents are hereby authorized and empowered, to employ such person as they shall judge proper to attend them in the prosecution of the business beforementioned.

March 14, 1786.

Chapter 108.

Chap.108 RESOLVE GRANTING TO THOMAS ANDERSON, A PENSIONER, FIVE POUNDS, ANNUALLY, FROM THE FIRST OF JANUARY, 1775, TILL FURTHER ORDER.

On the petition of Thomas Anderson, of Monson, in the county of Hampshire, praying that he may be allowed to draw his pension as set forth in his petition:

Resolved, That there be paid out of the public treasury of this Commonwealth, to the said *Thomas Anderson*, the sum of *Five pounds* per year, from the 1st day of *January*, 1775, until the further order of the General Court.

March 14, 1786.

Chapter 109.

Chap.109 RESOLVE ON THE PETITION OF THE SELECTMEN OF NEW GLOUCESTER, IN THE COUNTY OF CUMBERLAND, MAKING AN ABATEMENT IN THEIR TAXES, AND DIRECTING THE TREASURER TO CREDIT SAID TOWN.

On the petition of the Selectmen of New Gloucester, in the county of Cumberland, praying for the abatement of taxes laid on that town, in the year 1772 and 1773, for reasons set forth in said petition.

Resolved, That the prayer of said petition be granted, and that said taxes, amounting in the whole, to the sum of

Thirty-five pounds, seventeen shillings and three pence, be, and hereby are, abated to said town, and the Treasurer of this Commonwealth is hereby directed to credit said town accordingly, any law or resolve to the contrary notwithstanding.
March 14, 1786.

Chapter 110.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF BERWICK, DIRECTING THE TREASURER, AND THE SHERIFF OF THE COUNTY OF YORK, TO STAY THEIR EXECUTIONS, AND DIRECTING THE TREASURER TO CREDIT SAID TOWN THE SEVERAL SUMS MENTIONED. Chap.110

On the petition of the Selectmen of the town of Berwick, representing their losses in mills, lumber, &c., in October last, and praying for abatements on taxes, and staying of executions against said town:

Resolved, That the Treasurer of this Commonwealth, be, and he is, hereby directed to credit said town on an execution issued against said town, One hundred and fifty-five pounds, six shillings, for deficiency of beef; and likewise One hundred and thirty-three pounds, five shillings and five pence, on Tax number three; in the whole, Two hundred and eighty-eight pounds, eleven shillings and five pence.

And it is further *Resolved*, That executions against said town shall be stayed for the term of eight months from the passing of this resolve, and the Treasurer of this Commonwealth, and the Sheriff of the county of York, are directed to govern themselves accordingly; any law or resolve to the contrary notwithstanding.

March 14, 1786.

Chapter 111.

RESOLVE ON THE PETITION OF WILLIAM ERVING, ESQ; AUTHORIZING THE JUDGE OF PROBATE OF ESSEX COUNTY, ON APPLICATION, TO APPOINT COMMISSIONERS TO EXAMINE THE CLAIMS OF JOHN ERVING, ESQ; ON THE ESTATE OF WILLIAM BROWN, ESQ; AN ABSENTEE. Chap.111

On the petition of William Erving, Esq; praying that the Judge of Probate of Wills, &c. within and for the County of Essex, may be empowered to direct the Commissioners appointed to examine the claims against the estate of William Browne, Esq; a conspirator and absentee,

again to meet and examine the claim of John Erving, Esq; of Boston :

Resolved, That the prayer of the petition be so far granted, that the said Judge, be, and he hereby is, authorized and empowered, on application, to appoint Commissioners to examine the claim of the said *John Erving, Esq;* on the estate of the said *William Browne, Esq;* for the term of one month from the time of their appointment, at the expence of the said *John Erving*, that he may have an opportunity to exhibit his claim within the term mentioned; any law to the contrary notwithstanding.

March 15, 1786.

Chapter 112.

Chap.112 RESOLVE ON THE PETITION OF *ISAIAH BABCOCK*, TO NOTIFY *THOMAS GOULD*, AND THE OTHER DEFENDANTS MENTIONED, TO SHEW CAUSE, &c.

On the petition of Isaiah Babcock, praying that he may be empowered to carry up an action to the Supreme Judicial Court, which was brought by him against Thomas Gould and others, he not having entered his appeal according to law notwithstanding :

Resolved, That the said *Isaiah Babcock* give notice to the said *Thomas Gould*, and the other defendants mentioned in the said petition, by leaving an attested copy of the aforesaid petition, and this order thereon, with the aforesaid *Thomas Gould*, at his usual place of abode, in *Pittsfield*, in the county of *Berkshire*, at least thirty days previous to the second Wednesday of the next session of the General Court; that they, or either of them, may on the same Wednesday appear and shew cause, if any they have, why the prayer of said petition should not be granted, and that execution be in the mean time stayed.

March 15, 1786.

Chapter 113.

Chap.113 RESOLVE APPOINTING *ABNER HOLDEN* TO PROCURE AN ACTUAL SURVEY OF ALL LANDS BELONGING TO THE COMMONWEALTH, IN OR NEAR THE TOWN OF *FITCHBURG*, AND TO RETURN A PLAN INTO THE SECRETARY'S OFFICE.

Resolved, That Mr. *Abner Holden*, be, and he is, hereby appointed in behalf of this Commonwealth, to procure an actual survey of all the lands belonging to this Common-

wealth, that lie in or near the town of *Fitchburg*, in the county of *Worcester*: and he is directed to return a plan thereof into the Secretary's office, as soon as may be.

March 15, 1786.

Chapter 114.

RESOLVE ENTITLING *GEORGE ULMER* TO AN ANNUAL PENSION, TO COMMENCE THE 20TH *NOVEMBER*, 1782, UNTIL FURTHER ORDER. Chap.114

On the representation of John Lucas, Commissary of Pensioners, in behalf of Lieut. George Ulmer :

Resolved, That the said *George Ulmer*, be, and he hereby is, entitled to an annual pension, equal to one half of the pay of a Lieutenant, to commence the 20th day of *November*, 1782, and continue till the further order of the General Court, or of Congress. *March 15, 1786.*

Chapter 115.

RESOLVE ON THE PETITION OF *ISAAC PARKHURST, JUN.*, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. Chap.115

On the petition of Isaac Parkhurst, jun., setting forth, that Joseph Sprague, of Boston, in the county of Suffolk, unduly obtained a judgment by default against him, at the Court of Common Pleas, held at said Boston, on the first Tuesday of July last, and praying that he may have liberty to re-enter the said action, and have day in Court, in the same manner as though the same had not been defaulted, for reasons set forth in the said petition :

Resolved, That the petitioner notify the adverse party, by serving him with an attested copy of the said petition, and this resolve thereon, fourteen days before the second Wednesday of the first session of the next General Court, to shew cause on said second Wednesday of the said Court's sitting, why the prayer of the said petition should not be granted, and that execution be stayed in the mean time. *March 15, 1786.*

Chapter 116.

RESOLVE ON THE PETITION OF *SAMUEL LEONARD*, GRANTING HIM FORTY-THREE POUNDS, THREE SHILLINGS, IN COMPENSATION FOR LOSSES HE SUSTAINED. Chap.116

On the petition of Samuel Leonard, an assistant Commissary of purchases of beef, praying for compensation for losses he sustained, as mentioned in his petition :

Resolved, That the prayer of the said petition be so far granted, as that there be allowed and paid out of the public treasury of this Commonwealth, to the said *Samuel Leonard*, the sum of *Forty-three pounds, three shillings*, in full of his account.

March 15, 1786.

Chapter 117.

Chap.117 RESOLVE ON THE PETITION OF *JESSE COWIT*, DIRECTING THE TREASURER TO PAY HIM THE WAGES DUE TO HIM FOR HIS SERVICES IN THE AMERICAN ARMY.

On the petition of Jesse Cowit, praying that he may be allowed his wages for his services in the American army, said wages being drawn by a forged order notwithstanding:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to pay to the said *Jesse Cowit*, the wages due to him, for his services in the American army, in the same manner as he would have done, had not said wages been heretofore paid to *Samuel Paine*, on a forged order.

March 15, 1786.

Chapter 118.

Chap.118 RESOLVE ON THE PETITION OF *WILLIAM HUDSON BALLARD*, EMPOWERING THE TREASURER TO RECEIVE OF HIM *ONE HUNDRED AND NINETY-SIX POUNDS*, IN SPECIE NOTES, IN PART, FOR TAXES COMMITTED TO HIM TO COLLECT.

On the petition of William Hudson Ballard:

Resolved, That the Treasurer of this Commonwealth, be, and hereby is, empowered and directed to receive from the said *William Hudson Ballard*, the sum of *One hundred ninety-six pounds*, in the specie notes which he received for his wages, as a Major in the Continental army, in the year 1780, in part for the taxes committed to the said *Ballard* to collect for the town of *Almsbury*.

March 15, 1786.

Chapter 119.

Chap.119 RESOLVE ON THE PETITION OF *GILES TALLMAN*, DIRECTING THE TREASURER TO DELIVER NOTES FOR THE SAME AMOUNT, TENOR AND DATE, AS THOSE ISSUED UPON A FORGED ORDER.

On the petition of Giles Tallman, setting forth, that he served in the Continental army, and that his wages have been drawn for his service by a forged order.

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to make out and deliver to the said *Giles Tallman*, notes of the same amount, tenor and date, as if none had been issued on the forged order aforesaid, any law or resolve to the contrary notwithstanding.

March 16, 1786.

Chapter 120.

RESOLVE ON THE PETITION OF *JOSEPH CHADBOURN*, AGENT FOR THE PLANTATION OF *LITTLE FALLS*, ABATING SEVEN HUNDRED AND FIFTY POUNDS, IN PART OF TAXES AND FINES LAID ON SAID PLANTATION, SINCE 1780, AND DIRECTING THE TREASURER TO CREDIT SAID PLANTATION.

Chap.120

On the petition of Joseph Chadbourn, agent for the plantation of Little Falls, in the county of York, praying that the taxes and fines laid on said plantation, might be remitted for reasons set forth in said petition.

Resolved, That the prayer of said petition be so far granted, that there be and hereby is, abated to said plantation, *Seven hundred and fifty pounds*, in part of taxes and fines laid on said plantation, since the year 1780; and the Treasurer of this Commonwealth is hereby directed to credit said plantation accordingly.

March 16, 1786.

Chapter 121.

RESOLVE ON THE PETITION OF *DANIEL GOOLD*, DIRECTING THE TREASURER TO MAKE OUT NOTES FOR SUCH SUMS AS SHALL APPEAR TO BE DUE, OF THE SAME TENOR AND DATE AS THOSE DELIVERED ON A FORGED ORDER.

Chap.121

On the petition of Daniel Goold, representing that his wages for three years as a soldier in the Massachusetts line of the Continental army, have been drawn by a forged order or power of attorney, and praying for his said wages:

Resolved, That the prayer of said petition be granted, and that the Treasurer of this Commonwealth, be, and he is, hereby directed to make out and deliver to said *Goold*, a note or notes for such sum or sums as may appear to have been due to him for his said services, of the same tenor and date, as though the same had not been paid on such forged order or power.

March 16, 1786.

Chapter 122.

Chap.122 RESOLVE DIRECTING THE SECRETARY TO DELIVER MANASSEH DIVOLL, OR HIS ATTORNEY, CERTAIN PAPERS ACCOMPANYING A RESOLVE OF COURT PASSED THIS SESSION, LEAVING ATTESTED COPIES THEREOF.

Resolved, That the Secretary, be, and he hereby is, directed to deliver to *Manasseh Divoll*, or his attorney, the papers accompanying the resolve on said *Divoll's* petition, passed at the present sitting of the General Court, leaving attested copies thereof. *March 16, 1786.*

Chapter 123.

Chap.123 RESOLVE ON THE PETITION OF SAMUEL TRISCOTT, DIRECTING THE COMMANDER OF THE CASTLE TO RECEIVE HIM ON CASTLE ISLAND, AND TO ALLOW HIM RATIONS.

On the petition of Samuel Triscott, praying he may be permitted to reside on Castle Island :

Resolved, That the Commander of the *Castle*, in *Boston* harbour, be, and he is, hereby directed to receive *Samuel Triscott* (now in the almshouse in *Boston*) on *Castle Island*, to allow him rations, and to order him to do such duty as he is able to perform. *March 15, 1786.*

Chapter 124.

Chap.124 RESOLVE ON THE PETITION OF EBENEZER WARREN, IN BEHALF OF THE TOWN OF FOXBOROUGH, GRANTING FORTY-NINE POUNDS, FOUR SHILLINGS AND ONE PENNY, FOR ABATEMENT OF THE FINES AND ALLOWANCE OF THE AVERAGE PRICE FOR ONE SOLDIER.

On the petition of Ebenezer Warren, in behalf of the town of Foxborough, setting forth that the said town was fined for not raising six men to serve as soldiers for three months, in the year seventeen hundred eighty-one, and it appears that the town of Foxborough did raise one man more than they had credit for in the requisition aforesaid: and whereas they were called upon to raise four men (for the above service) more than their just proportion :

Resolved, That there be paid out of the treasury of this Commonwealth to the town of *Foxborough*, the sum of *Forty-nine pounds, four shillings and one penny*, in full for the abatement of the aforesaid fines, and the allowance of the average price for one soldier as aforesaid.

March 16, 1786.

Chapter 125.

RESOLVE GRANTING TO THE COMMITTEE ON ACCOUNTS THREE THOUSAND POUNDS. *Chap.125*

Whereas it appears to this Court that the Committee for examining and passing accounts, have accounted for the expenditure of the sum of Four thousand pounds, granted by this Court in February last, and that a further sum of money is necessary to be appropriated for payment of such accounts as have been or may be allowed by the said Committee:

Therefore Resolved, That the said Committee be discharged from the said sum of Four thousand pounds, and that a further sum of Three thousand pounds be paid out of the treasury of this Commonwealth to the aforesaid Committee for allowing and passing accounts; said Committee to be accountable for the same.

March 17, 1786.

Chapter 126.

RESOLVE ON THE GOVERNOR'S MESSAGE, AUTHORIZING THE DELEGATES WHO SHALL ACTUALLY REPRESENT THIS COMMONWEALTH IN CONGRESS THE CURRENT YEAR, TO JOIN WITH SUCH AGENTS AS MAY BE APPOINTED BY THE STATE OF NEW YORK, TO APPOINT COMMISSIONERS TO CONSTITUTE A FEDERAL COURT FOR THE PURPOSES MENTIONED IN A RESOLVE PASSED NOVEMBER, 1784. *Chap.126*

Whereas it is necessary that some persons be specially authorized to represent this State in the appointment of a Federal Court, to hear and determine a certain controversy now subsisting between this Commonwealth and the State of New York, respecting a certain territory, to which that government and this make claim:

Resolved, That the Delegates who shall actually represent this Commonwealth in Congress the current year, or any two of them, be, and they hereby are, authorized and empowered to join with such agent or agents as may be appointed by the state of New York, to appoint Commissioners or Judges, who shall constitute a Federal Court for the purposes aforesaid, as particularly mentioned in a resolve passed the eleventh day of November, Anno Domini, 1784.

March 17, 1786.

Chapter 127.

Chap.127 RESOLVE ON THE GOVERNOR'S MESSAGE, DIRECTING THE SECRETARY TO DELIVER TO THE OFFICERS AND SOLDIERS OF THE MASSACHUSETTS LINE OF THE LATE ARMY, SUCH CERTIFICATES AS ARE DEPOSITED IN HIS HANDS BY THE AGENTS, AND DIRECTING IN WHAT MANNER THEY ARE TO BE DELIVERED.

Whereas the regimental agents of the Massachusetts Line of the late American army, have been directed by the Supreme Executive of this Commonwealth, pursuant to a resolve of Congress, to deposit the certificates for the arrears of pay, etc. due to the officers and soldiers of the said line, in the Secretary's office; but as no order has been taken for the distribution of the same to the individuals to whom said certificates belong:

Resolved, That the Secretary of this Commonwealth, be, and he hereby is, authorized and directed to deliver to the officers and soldiers of the *Massachusetts Line* of the late *American army*, such certificates as are or shall be deposited in his hands by the said agents, and belong to the said officers and soldiers respectively: *Provided*, the said officers and soldiers (or in case of their decease, their legal representatives,) shall make personal application for the same, or shall make application by some member of the General Court, or of the Council; and provided the discharges of the non-commissioned officers and soldiers respectively, shall at the same time be produced, or incontestible evidence that the officers or soldiers, for whose wages application is made, died in the public service.

March 17, 1786.

Chapter 128.

Chap.128 RESOLVE ESTABLISHING THE PAY OF THE COUNCIL, SENATE, AND HOUSE OF REPRESENTATIVES, PRESIDENT, SPEAKER, CLERKS AND CHAPLAIN.

Resolved, That there be allowed and paid out of the public treasury, the sum of *Eight shillings*, to each member of the honorable Council; and the sum of *Seven shillings and six pence* to each member of the honorable Senate; and the sum of *Seven shillings* to each member of the House of Representatives, for each day they have attended the Council or General Court, the present session,

also the further sum of one day's pay for every ten miles distance each member lives from the place of the Court's sitting.

And it is further *Resolved*, That there be granted and paid out of the public treasury of this Commonwealth, to the Hon. *Samuel Phillips*, jun., Esq.; President of the Senate, the sum of *Six shillings*, per day, and to the Hon. *Artemus Ward*, Esq; Speaker of the House of Representatives, the sum of *Six shillings* per day, for each day's attendance on the General Court, at their present sitting, over and above their respective pay as members thereof.

And be it further *Resolved*, That there be allowed and paid out of the public treasury of this Commonwealth, to Mr. *George Richards Minot*, Clerk of the House of Representatives; and also to Mr. *Samuel Cooper*, Clerk of the hon. Senate, the sum of *Fifty-five pounds* each, — and to the Rev. *Peter Thatcher*, Chaplain to the General Court, the sum of *Twelve pounds*, in full for their respective services the present year.

March 17, 1786.

Chapter 129.

RESOLVE FOR ADJOURNING THE COURT OF COMMON PLEAS FOR
THE COUNTY OF ESSEX, TO THE SECOND TUESDAY OF
APRIL NEXT. Chap.129

Whereas by reason of the public fast being appointed on the sixth day of April next, it will be inconvenient to have the Court of General Sessions of the Peace and Court of Common Pleas, held at Ipswich, on the first Tuesday in the said month of April, within and for the county of Essex:

Resolved, That the said Court of General Sessions of the Peace and Court of Common Pleas, by law to be held at *Ipswich*, within and for the county of *Essex*, on the first Tuesday of *April* next, shall be holden at *Ipswich* aforesaid, on the second Tuesday of the same month; and that all writs, processes and recognizances, returnable to, and all appeals made to the said Court of General Sessions of the Peace and Court of Common Pleas, appointed by law to be holden at *Ipswich*: and all matters, causes and things that have day, or that might have been had, moved or done at, in or by the said Courts, at the time so appointed for holding the same, shall be returnable to, and may be entered, prosecuted, had, moved and done, at,

in, and by the said Courts, at the time herein appointed for holding the same. — And the Secretary is hereby directed to publish this resolve in the next *Adams* and *Nourse's*, *Hall's* and *Mycall's* papers. *March 17, 1786.*

Chapter 130.

Chap.130 RESOLVE ON THE PETITION OF SAMUEL LOVERING, DIRECTING THE TREASURER TO MAKE OUT NOTES OF THE SAME TENOR AND DATE AS THE NOTES DRAWN ON THE FORGED ORDER MENTIONED.

On the petition of Samuel Lovering, representing that his son Henry Lovering, served as a soldier in the Continental army, and died in captivity; and that his said son's wages had been drawn by a forged order:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to make out and deliver to the legal representative of *Henry Lovering* aforesaid, deceased, notes of the same amount, tenor and date, as if the aforesaid notes had not been drawn by a forged order.

March 17, 1786.

Chapter 131.

Chap.131 RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF EGREMONT, DIRECTING THE TREASURER TO CREDIT SAID TOWN FOR BEEF, TO A CERTAIN AMOUNT, AND TO STAY HIS EXECUTION.

On the petition of the Selectmen of the town of Egremont, praying that the Treasurer of this Commonwealth may be directed to credit said town for two thousand and six hundred pounds of beef, it being in part of a requisition of the General Court, the 25th of September, Anno Domini, 1780, for which quantity they have the receipt of William Bacon, agent for the county of Berkshire, but have not been credited for the same.

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the town of *Egremont* for said beef, *Forty-three pounds, six shillings and eight pence.*

And it is further *Resolved,* That the Treasurer of this Commonwealth, be, and he hereby is, directed to stay his execution against said town of *Egremont* for deficiency of beef, eight months from the date hereof.

March 17, 1786.

Chapter 132.

RESOLVE ON THE PETITION OF ROBERT MILLER, GRANTING HIM EIGHTEEN POUNDS, FOR HIS PENSION FROM THE 1ST OF JANUARY, 1783, TO THE 1ST OF JANUARY, 1785, AND AUTHORIZING JOSHUA BAYLEY OSGOOD, ESQ; TO RECEIVE THE SAME. Chap.132

On the petition of Robert Miller, setting forth that he lost an arm at the siege of Louisburg, in the year 1745, in consideration of which, a pension of Nine pounds per annum, was granted him by this government.

Resolved, That there be paid out of the treasury of this Commonwealth, to the said Robert Miller, the sum of Eighteen pounds, in full for his pension, from the first day of January, 1783, to the first day of January, 1785; and that Joshua Bayley Osgood, Esq; of Biddeford, agreeably to the prayer of the petitioner, be, and he hereby is authorized to receive the same. March 17, 1786.

Chapter 133.

RESOLVE ON THE PETITION OF THE OFFICERS, SEAMEN, AND MARINERS, OF THE ARMED SHIP VENGEANCE, LOST AT PENOBSCOT, DIRECTING THE PAYMENT OF ANY PORTAGE BILLS EXHIBITED FOR PAYMENT, PROPERLY ATTESTED AND PASSED UPON BY THE COMMITTEE ON ACCOUNTS. Chap.133

On the petition of the officers, seamen, and mariners, of the armed ship Vengeance, lost at Penobscot, praying for payment of their wages, according to agreement with the Board of War.

Resolved, That whenever a portage bill of any private armed ship, lost or employed in the expedition against Penobscot, shall be exhibited for payment, and it shall appear, by producing the original contract made with the Board of War, that they had engaged the payment of such wages, the same shall be attested, under oath, by the Captain, or the eldest surviving officer; and it shall be examined, and passed upon by the Committee on accounts, and that there shall be duplicates of the portage bills so attested and examined, one of which to be lodged with the Treasurer, and the other with the Secretary of this Commonwealth.

And be it further *Resolved*, That the Treasurer of this Commonwealth, be, and he is, hereby empowered and directed to pay to the several individuals, borne on the

portage bills so attested and examined, or their lawful attorneys, the several sums which shall appear to be due to them, in government securities, of the same form and tenor with those commonly called consolidated notes.

March 17, 1786.

Chapter 134.

Chap. 134 RESOLVE ON THE GOVERNOR'S MESSAGE, MAKING PROVISION FOR THE OFFICERS, SOLDIERS, AND SEAMEN, WHO HAVE BEEN DISABLED IN THE SERVICE OF THE UNITED STATES, APPOINTING JOHN LUCAS, ESQ; TO EXAMINE THE CLAIMS OF SAID PERSONS, AND DIRECTING THE SECRETARY TO RECORD ALL CERTIFICATES, AND AUTHORIZING THE GOVERNOR AND COUNCIL TO FORM SUCH INVALIDS AS ARE FIT FOR GARRISON DUTY, INTO CORPS, CONSISTING OF CERTAIN NUMBERS, AND DIRECTING THE SECRETARY TO PUBLISH THIS RESOLVE, AND REPEALING ALL FORMER RESOLVES.

Whereas it has been recommended to the several States by Congress, by their resolve of the 7th of June, 1785, to make provision for the officers, soldiers and seamen, who have been disabled in the service of the United States: Therefore

Resolved, That John Lucas, Esq; be, and he hereby is, appointed, authorized and directed, to receive and examine the claims of all persons, both officers, soldiers and seamen, resident in this Commonwealth, who have served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in the said service, and shall produce a certificate from the commanding officer, or surgeon of the regiment, ship, corps or company, in which they respectively served; or from a physician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in the service aforesaid; and if it shall appear to the said Lucas, that the person producing a certificate or testimony as aforesaid, is an invalid in fact, then he shall give to such person a certificate, in which shall be expressed his age and disability, also the regiment, company, corps, or ship, to which he belonged, and the pay to which he is entitled, agreeably to the resolve of Congress, of June 7th, 1785, to the directions of which he is directed strictly to conform; and he shall transmit a copy of such certificate to the Secretary of this Commonwealth.

And be it further *Resolved*, That the Secretary, be, and hereby is, directed to record all such certificates as shall be transmitted to him as aforesaid, in a book, to be kept for that purpose; and shall, within one year from the passing this act, make and transmit to the office of the Secretary at War, a complete descriptive list of all persons certified as aforesaid.

And be it further *Resolved*, That the Governor with the advice of Council, be, and he hereby is, fully authorized to form such invalids as are fit for garrison duty, into corps, consisting of such numbers as they shall judge most convenient, to do duty in such place within this Commonwealth, as the Governor and Council shall from time to time order.

And be it further *Resolved*, That all invalids, under the aforesaid description, as well those who shall be formed into corps, as those who shall not, shall annually apply themselves to some Justice of the Peace, of the same county in which they reside, or may be stationed, and presenting the aforesaid certificate, shall take the following oath, viz. :

You A. B. do swear that you was examined by and obtained of him the certificate by you now presented, that the same was by him signed, (or countersigned, as the case may be) and that you now live in .

And such Justice shall make a certificate in the form following :

ss. On the day of A. B. came before me one of the Justices of the Peace, for the said county of in the State of *Massachusetts*, and made oath that he was examined by appointed by the Commonwealth of *Massachusetts*, for that purpose, and obtained a certificate (or had his certificate examined and countersigned) setting forth that he had served in that he was disabled by and that he now lives in the and in the county of .

Justice of the Peace.

Which certificate said Justice shall deliver to the person making oath as aforesaid; and he shall transmit a copy thereof to the Secretary of the said Commonwealth, to be by him recorded; and the Secretary is hereby directed to

make out a complete descriptive list of all pensioners enrolled and recorded as aforesaid, and the same annually transmit to the office of the Secretary at War, and shall annually transmit a like list to the Treasurer of this Commonwealth.

And it is further *Resolved*, That there be allowed and paid out of the treasury of this Commonwealth, to the individuals, the several sums affixed to their names respectively, on such rolls, out of such monies as shall be appropriated for that purpose; the same to be charged to the United States, provided they shall personally apply for the same, and produce a certificate from a Justice of the Peace, as aforesaid; or shall send such certificate, accompanied with an order for the payment of such pension, by the hand of some member of the General Court, or of the Council.

And be it further *Resolved*, That all the resolves heretofore made and passed, providing for the officers, soldiers and seamen, who have been disabled in the service of the United States, or in the militia in the service of the United States, be, and hereby are, so far repealed, that no officer, soldier, or seaman, of the above description, shall be entitled to receive any pension, in consequence of the said resolves, that shall become due after the passing of this resolve.

Ordered, That the Secretary cause the aforesaid resolve, to be published in *Adams and Nourse's, Worcester, Springfield, Plymouth and Falmouth* newspapers, three weeks successively.

March 17, 1786.

Chapter 135.

Chap. 135 RESOLVE ON THE PETITION OF *THOMAS GARDNER*, EXEMPTING HIM FROM PAYING MINISTERIAL TAXES TO THE SOUTH PRECINCT IN THE TOWN OF *CAMBRIDGE*.

On the petition of Thomas Gardner, praying that he, with the lands he possesses, may be considered as belonging to the first parish in the town of Cambridge, for reasons mentioned in his petition:

Resolved, That the prayer of the said petition be so far granted, that the estate now in possession of the said *Thomas Gardner*, that descended to him from his father, be, and hereby is, exempted from paying any ministerial taxes to the south precinct in the town of *Cambridge*, during the continuance of the natural life of his mother, *Joanna Gardner*, any law to the contrary notwithstanding.

March 17, 1786.

Chapter 136.

RESOLVE ON THE PETITION OF *ELIZABETH ROSS*, EMPOWERING
THE JUDGE OF PROBATE IN THE COUNTY OF *CUMBERLAND*,
TO ALLOW A FURTHER TIME TO THE COMMISSIONERS ON
THE ESTATE OF *EDWARD MILLIKEN*. Chap.136

On the petition of Elizabeth Ross, praying that a further time may be allowed to the Commissioners on the estate of Edward Milliken, late of Scarborough, deceased, to receive and examine the claims of the creditors upon said estate:

Resolved, That the Judge of Probate for the county of *Cumberland*, be, and he hereby is, empowered to allow such further time to the Commissioners on the estate of *Edward Milliken*, late of *Scarborough*, deceased, to receive and examine the claims of the creditors to said estate, as he may judge necessary. March 20, 1786.

Chapter 137.

RESOLVE ON THE PETITION OF *JOHN MOREY*, DIRECTING THE
TREASURER TO RECEIVE CERTAIN PAPER BILLS, TO THE
AMOUNT OF *TEN POUNDS* IN SPECIE, AND CREDIT HIM
WITH THE SAME. Chap.137

On the petition of John Morey, praying that he may have liberty to pay into the treasury a certain sum of the old emission of paper currency, amounting to Ten pounds in specie, for reasons set forth in his petition:

Resolved, That the Treasurer, be, and he is, hereby directed to receive of the said *John Morey*, certain paper bills to the amount of *Ten pounds* in specie, and credit the said *John Morey* therefor. March 20, 1786.

Chapter 138.

RESOLVE ENTITLING *MALACHI BARROWS*, TO ONE FOURTH
PART OF PAY AS A SOLDIER, FROM THE 21st OF *FEBRUARY*,
1780, TILL FURTHER ORDER. Chap.138

On the representation of John Lucas, Esq; Commissary of Pensioners, in behalf of Malachi Barrows, a soldier, who was wounded while in the service of the United States:

Resolved, That the said *Malachi Barrows*, be entitled to one fourth part of pay as a soldier, from the twenty-first day of *February*, one thousand seven hundred and eighty, till the further order of the General Court or Congress. March 20, 1786.

Chapter 139.

Chap.139 RESOLVE ON THE PETITION OF SAMUEL CURTIS, ESQ; IN BEHALF OF THE TOWN OF WORCESTER, RESPECTING THE REMOVAL OF CANNON FROM THE TOWN OF GLOUCESTER.

On the petition of Samuel Curtis, in behalf of the town of Worcester :

Resolved, That the Commissary General, be, and he is, hereby directed to cause to be delivered, at the town of Worcester, to the Selectmen of the said town, the two iron cannon, which were removed from thence to Gloucester, in the year 1775, with carriages and apparatus, in as good order as when received from Worcester.

March 20, 1786.

Chapter 140.

Chap.140 RESOLVE ON THE PETITION OF ANTHONY WATERMAN AND OTHERS, AUTHORIZING ZEBEDEE SIMONDS AND OTHERS, TO GIVE AND EXECUTE A GOOD DEED OF THE REAL ESTATE MENTIONED.

On the petition of Anthony Waterman and others, praying Zebedee Simonds and Marcy Waterman, Guardians to the heirs of Nathaniel and Abijah Waterman, deceased, may be authorized to give deeds of certain lands, as set forth in the said petition :

Resolved, That the prayer of the said petition be granted, and that Zebedee Simonds and Marcy Waterman, Guardians to the minors, children of the said Nathaniel Waterman and Abijah Waterman, deceased, be, and they hereby are, authorized and empowered to give and execute a good and sufficient deed or deeds of conveyance to Asa Waterman and John Waterman, of the two twelfth parts of the real estate, lately belonging to Nathaniel Waterman and Abijah Waterman, deceased, which were bequeathed to them, by the last will and testament of their father Thomas Waterman, deceased; and also to sell and convey to the said Asa and John Waterman, by a good and lawful deed or deeds, the two eighth parts of the real estate of Thomas Waterman, the son, deceased, intestate, which, on his decease, fell one eighth part to Nathaniel Waterman, since deceased; and the other eighth to the heirs of Abijah Waterman, deceased; the said Asa and John paying therefor, to the

said *Zebedee Simonds* and *Marcy Waterman*, the full sum at which the said two eighths were appraised ; they, the said *Zebedee* and *Marcy*, first giving bond, with sufficient surety, to the Judge of Probate for the county of *Plymouth*, that the money, which shall arise from the sale of the two eighth parts of the estate aforesaid, shall be appropriated to the sole use and benefit of the minors aforesaid.

March 20, 1786.

Chapter 141.

RESOLVE ON THE PETITION OF *GILBERT DENCH*, EMPOWERING HIM TO RE-ENTER AN ACTION FOR THE REASONS SET FORTH. Chap.141

Whereas it appears to the General Court, that at the Court of Common Pleas, holden at Northampton, within and for the county of Hampshire, on the last Tuesday of August last past, Thomas L. Whitbeck recovered judgment against Gilbert Dench, on a note of hand given by the said Dench to the said Whitbeck, for forty bushels of salt ; and it appearing reasonable, that there should be a trial of the action aforesaid, for reasons set forth in the petition : Therefore,

Resolved, That the said Gilbert Dench, be, and he hereby is, empowered to re-enter the said action at the Court of Common Pleas, next to be holden at Springfield, within and for the same county, on the third Tuesday of May next ; and the said Court are hereby authorized and directed to proceed thereon according to law and the rules of the said Court, in the same manner as if the said action had been regularly continued in said Court, he, the said Dench, serving the said Whitbeck, or Samuel Fowler, Esq ; attorney to the said Whitbeck, with an attested copy of this resolve, twenty days at least before the same Court, and that the execution on the said judgment be stayed in the mean time.

March 20, 1786.

Chapter 142.

RESOLVE ON THE PETITION OF *JAMES HUGHES*, EMPOWERING THE JUDGE OF PROBATE OF *ESSEX COUNTY*, TO EXAMINE THE CLAIMS MENTIONED. Chap.142

On the petition of James Hughes, administrator on the estate of Peter Hughes, late of Boston, deceased, praying

that the Judge of Probate for the county of Essex, might be empowered to direct the Commissioners on the estate of Jeremiah Lee, Esq; late of Marblehead, to receive, examine and allow the claims of the said petitioner, so far as they may appear just.

Resolved, That the Judge of Probate for the county of *Essex*, be, and he hereby is, empowered and directed to authorize the said Commissioners on the estate of the said *Jeremiah Lee, Esq*; to receive and examine such claims as the said *James Hughes*, administrator as aforesaid, may exhibit against the said estate, in the same manner as if they had been timely presented therefor, and to allow the said Commissioners such further time for that purpose, as he shall judge necessary.

March 20, 1786.

Chapter 143.

Chap.143 RESOLVE ON THE PETITION OF *PRINCE TOBEY*, IN BEHALF OF THE TOWN OF *CONWAY*, DIRECTING THE TREASURER TO CREDIT SAID TOWN IN THE TAX GRANTED IN 1783, FOR THE DEFICIENCY OF ONE THREE MONTHS MAN.

On the petition of Prince Tobey, in behalf of the town of Conway, praying for the abatement of a fine laid on said town for the deficiency of one three months man, which it now appears said town of Conway did actually procure:

Resolved, That the prayer of the petition be granted, and the Treasurer of this Commonwealth is hereby directed to credit the town of *Conway* the sum of *Seven pounds and seven pence*, in the State tax granted in *March 1783*, it being the fine for the deficiency of one three months man, any resolve to the contrary notwithstanding.

March 20, 1786.

Chapter 144.

Chap.144 RESOLVE RESPECTING FIRE ARMS, DELIVERED TO MAJOR *ILSLEY* AND GENERAL *PREBLE*, TO NOTIFY THE TOWN OF *FALMOUTH* TO SHEW CAUSE WHY THEY SHOULD NOT ACCOUNT AND PAY FOR SAID ARMS, AND DIRECTING THE SECRETARY TO CAUSE THE SELECTMEN OF SAID TOWN TO BE SERVED WITH A COPY OF THIS ORDER.

Whereas the Committee appointed to make inquiry concerning forty-seven fire arms supposed to have been delivered to Major Daniel Ilsley; and thirty-three delivered the Honourable Jedediah Preble, have reported that neither

the said Daniel Ilsley, nor the administrators of the said Preble are accountable for said fire arms; but that it appears most probable, that the town of Falmouth had the benefit of the forty-seven fire arms supposed to have been delivered to the said Ilsley :

Ordered, That the town of *Falmouth* be notified to shew cause, if any they have, why they should not account and pay for said forty-seven fire arms, on the second Wednesday of the next session of the General Court.

And the Secretary of this Commonwealth is hereby directed to cause the Selectmen of the town of *Falmouth* to be served with a copy of this order, fifteen days before the said second Wednesday of the next session of the General Court.

March 20, 1786.

Chapter 145.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Chap. 145

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

By a message of the seventh instant, I informed you of a resolution of the House of Delegates of *Virginia*, proposing a convention of Commissioners from the several States in the Union, for the purpose of framing and adopting an uniform system of commercial regulations throughout all the States; and that, although an official account of it had not been received, there was satisfactory evidence it had been passed.

I am now to acquaint you, Gentlemen, that I have just had letters, dated at *Richmond* in *Virginia*, the 23d of *February*, from Governor *Henry*, and from Mr. *Randolph*, the Chairman of the Commissioners on the part of that State, enclosing an authenticated copy of that resolution agreed to by the Senate, and appointing the convention to be held the first Monday in *September* next, at the city of *Annapolis*, in the State of *Maryland*.

As the result of this proposal may be the establishment of an uniform permanent system of commercial regulations through all the States, which may promote and secure the interest of the whole, and more firmly cement the Union; you will permit me, Gentlemen, to recommend with great earnestness, a compliance with the proposal.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 20, 1786.*

Chapter 146.

Chap.146 RESOLVE GRANTING TO DR. JOHN WARREN, THREE HUNDRED POUNDS, FOR VISITS, MEDICINE AND ATTENDANCE TO THE POOR OF THE COMMONWEALTH.

On the petition of Doctor John Warren, praying he may be allowed the sum of Eight hundred fifty-eight pounds, three shillings and four pence, for visits, medicine and attendance to the poor of the Commonwealth, in the town of Boston, from May 2, 1782, to May 7th, 1783.

Resolved, That the prayer of the said petition be so far granted, that there be allowed and paid out of the treasury of this Commonwealth, to the said petitioner, the sum of Three hundred pounds, in full of his account, exhibited for visits, medicine and attendance, to the poor of this Commonwealth, in the town of Boston, from May 2d, 1782, to May 7th, 1783.

March 20, 1786.

Chapter 147.

Chap.147 RESOLVE ON THE PETITION OF JOSEPH WRIGHT, DISCHARGING HIM FROM AN EXECUTION.

On the petition of Joseph Wright, praying to be discharged from an execution for the sum of Fifty pounds, in favour of the Collector of the Impost and Excise in the county of Berkshire, for reasons stated in his petition.

Resolved, That the prayer of said petition be granted, and that the Excise Master aforesaid, be, and he hereby is, directed and required to discharge said execution, and deliver the said Joseph the note given for the payment of said execution, he, the said Joseph, paying all legal costs which have arisen in consequence thereof.

March 21, 1786.

Chapter 148.

Chap.148 RESOLVE FOR REPEALING A RESOLVE IN FAVOUR OF THOMAS GARDNER, AND EXEMPTING HIS POLL OR POLLS, AND REAL AND PERSONAL ESTATE, FROM PAYING MINISTERIAL TAXES TO THE SOUTH PRECINCT IN CAMBRIDGE, DURING A CERTAIN TIME.

Whereas the General Court on the seventeenth instant, passed a resolve, exempting Thomas Gardner from paying any ministerial taxes to the south parish in the town of

Cambridge; and the said resolve does not answer the purposes intended: Therefore

Resolved, That the said resolve, be, and it is, hereby repealed.

And it is further *Resolved*, That the said *Thomas Gardner*, be, and he is, hereby exempted, with his poll or polls, and real and personal estate, from paying any ministerial taxes to the south precinct in the town of *Cambridge*, during the continuance of the natural life of his mother, *Joanna Gardner*, any law to the contrary notwithstanding.

March 21, 1786.

Chapter 149.

RESOLVE ON THE PETITION OF *CHARLES GOODRICH*, ESQ; IN BEHALF OF THE TOWN OF *PITTSFIELD*, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH EIGHTEEN HUNDRED POUNDS OF BEEF, AMOUNTING TO *THIRTY POUNDS*. Chap.149

On the petition of Charles Goodrich, Esq; in behalf of the town of Pittsfield, praying for reasons set forth in said petition, that said town may be credited for eighteen hundred pounds of beef. And whereas it appears to this Court, that said town did deliver said beef, but have not been credited for the same.

Resolved, That the prayer of the petition be granted, and that the Treasurer of this Commonwealth, be, and hereby is, directed to credit said town of *Pittsfield*, for eighteen hundred pounds of beef, amounting to the sum of *Thirty pounds*, being part of what was required of them by a resolve of the General Court, passed the 22d day of *December*, 1780.

March 21, 1786.

Chapter 150.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF *BATH*, REMITTING A FINE. Chap.150

On the petition of the Selectmen of the town of Bath, praying that their proportion of Tax No. 3, for the year 1783, for three years men, may be remitted unto said town:

Resolved, for reasons set forth in said petition, that the prayer of the same be granted, and that their proportion of the tax for three years men, in the year 1783, be remitted to the said town, and that the Treasurer of this Commonwealth, be, and he hereby is, empowered and directed

to credit said town for the sum of *Four hundred and six pounds, sixteen shillings*, being their proportion of the tax aforesaid, any law or resolve to the contrary notwithstanding.
March 21, 1786.

Chapter 151.

Chap.151 RESOLVE ON THE PETITION OF ELIHU ELY OF WEST SPRINGFIELD, FOR SALE OF LAND.

On the petition of Elihu Ely, of West Springfield, in the county of Hampshire, and Hadassah, his wife, representing that the said Hadassah inherits, by the last will of her late grandfather, Able Chapin, late of Springfield, divers tracts of land in said Springfield, and praying for liberty that the same may be conveyed, for reasons set forth in their petition.

Resolved, That Capt. *Phineas Chapin*, of said *Springfield*, be, and he hereby is, authorized and empowered to sell and convey the lands aforesaid, of the said *Hadassah*, and to make and execute a good and sufficient deed or deeds thereof, he, the said *Phineas*, first giving a written promise to the said *Elihu* and *Hadassah*, to lay out the proceeds of the sale of the said lands, in the purchase of other lands, the fee simple estate whereof to be vested in the said *Hadassah*, her heirs and assigns.

March 21, 1786.

Chapter 152.

Chap.152 RESOLVE ESTABLISHING THE PAY OF THE COMMITTEE ON ACCOUNTS.

Resolved, That there be allowed and paid out of the public treasury, the sum of *one shilling*, to each of the members of the Committee on Accounts, for each day's attendance upon that Committee, at the last and present sitting of the General Court, in addition to their pay as members of the Court, in full for that service.

March 21, 1786.

Chapter 153.

Chap.153 RESOLVE EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT, TO ESTIMATE THE VALUE OF CERTAIN NOTES.

Whereas several of the persons appointed by an act, passed in the year 1780, to return into the Secretary's

office the average price of Corn, Beef, Sheep's wool and Sole leather, have neglected to make such returns.

Resolved, That the Justices of the Supreme Judicial Court, be, and they hereby are, empowered and directed to estimate the value of certain notes, given to this State's quota of the Continental army, which value was to be determined by the price of the articles above mentioned, from such returns as they have or may receive, and their own judgment in the premises. *March 21, 1786.*

Chapter 154.

RESOLVE MAKING AN ESTABLISHMENT FOR CASTLE WILLIAM. *Chap.154*

Whereas it is expedient for the safety and good of the Commonwealth, that the Castle in the harbour of Boston, should continue to be garrisoned with officers and matrosses; and the establishment made October 25, 1782, is expired:

Resolved, That there be appointed and commissioned for the said purpose,

One Captain,

One Captain Lieutenant,

One First Lieutenant,

One Gunner, to be commissioned as Second Lieutenant,

One Chaplain,

Three Quarter Gunners,

Four Serjeants,

Four Corporals,

One Drum,

One Fife,

Fifty Privates; to be properly organized into one company, the non-commissioned officers and privates to be enlisted for the term of three years, unless sooner discharged, to do garrison and fatigue duty at the said fort; the said non-commissioned officers and privates not to be called off from the said duty for any other than what belongs to the said fort: and that the following establishment be allowed to the officers and men, who shall compose the said company, *viz.:*

Captain, *Twelve pounds* per month.

Captain Lieutenant, *Nine pounds* per month.

First Lieutenant, *Six pounds* per month.

Gunner, commissioned as Second Lieutenant, *Five pounds* per month.

Chaplain, *Seven pounds, ten shillings*, per month.

Each Quarter Gunner, *Two pounds, ten shillings*, per month.

Each Serjeant, *Two pounds, eight shillings*, per month.

Each Corporal, *Two pounds, four shillings*, per month.

Each Drum and Fife, *Two pounds, four shillings*, per month.

Each Matross, *Forty shillings* per month.

Overseer of the Convicts, *Four pounds, ten shillings*, per month.

And each non-commissioned officer and private, in the said company, shall receive one suit of cloaths a year for each year they shall continue in the said service, and the pay of each officer and soldier shall be made them quarterly.

Resolved, That His Excellency the Governor, be, and he hereby is, authorized and empowered, by and with the advice and consent of Council, to appoint some suitable person as a Chaplain to the garrison aforesaid.

And it is further *Resolved*, That it shall be the duty of the person, who shall be appointed by virtue of the foregoing resolve, to officiate as Chaplain to the garrison on *Castle Island* in the harbour of *Boston*, to reside constantly on the said island, and there to perform divine service, by preaching to, and praying with the said garrison, every Lord's day; and also by praying with them every morning and evening, at proper and stated hours, on week days, unless necessarily prevented; and to perform all other duties of religion and piety, that may best tend to promote virtue and good morals in the said garrison. And the Commissary General is hereby empowered and directed to provide, on the said island, such decent accommodations for such Chaplain, when appointed, as may be suitable to his character and profession. *March 21, 1786.*

Chapter 155.

Chap. 155 MESSAGE FROM HIS EXCELLENCY THE GOVERNOR, BY THE SECRETARY.

Gentlemen of the *Senate*, and Gentlemen of the *House of Representatives*,

A number of persons, who appear to be inhabitants of *Moose Island*, in the bay *Passamaquoddy*, have by their letter of the third of *January*, just received, represented, that the officers of the neighbouring *British* province of *New Brunswick*, are pursuing every method to subjugate them,

and that several writs had been executed upon them ; imploring the interposition of this government, and that such steps may be immediately taken, as are necessary to quiet their minds, and give them full possession of their rights in the said island : as you will observe by their said letter.

This matter, in consequence of former similar representations, has been at your request, laid before Congress, and as it is in a train of settlement, there seems to be nothing further necessary to be done, but to quiet the minds of those inhabitants, by informing them, that Congress had taken measures to procure an amicable adjustment of the dividing line between the territory of the United States, and the said province of *New Brunswick* ; to commend them for their resolution, that no allurements or threats shall induce them to forsake that system and constitution, by which they very justly think their natural rights and privileges will be secured ; and to exhort them to abide by that resolution.

The said letter, Gentlemen, is laid before you, for your determination concerning it.

JAMES BOWDOIN.

COUNCIL CHAMBER, *March 21, 1786.*

Chapter 156.

RESOLVE ON THE PETITION OF JOSIAH HAYDEN, COLLECTOR OF WILLIAMSBURGH, DIRECTING THE TREASURER TO RECEIVE A CERTAIN SUM IN CONTINENTAL DOLLARS, PART OF THE TAX MENTIONED. Chap.156

On the petition of Josiah Hayden, Collector for the town of Williamsburgh, praying that the Treasurer might receive Fourteen hundred and twenty-seven Continental dollars, on a tax committed to him to collect for the year 1779, No. 3, for reasons set forth in said petition :

Resolved, That the prayer of the petitioner be so far granted, that the Treasurer of this Commonwealth, be directed to receive of Josiah Hayden, Collector of Williamsburgh, Fourteen hundred and twenty-seven Continental dollars, in part of the tax committed to him to collect, and as there remains due, Three thousand three hundred and forty-seven pounds, eighteen shillings, old Continental money, that he be held to pay to the above said Treasurer the sum of Forty-four pounds, twelve shillings and nine pence, specie, in full discharge of the said tax.

March 22, 1786.

Chapter 157.

Chap.157 RESOLVE ON THE PETITION OF DANIEL WINCHESTER, IN BEHALF OF THE TOWN OF SOUTH BRIMFIELD, DIRECTING THE TREASURER TO RECEIVE THE MONEY MENTIONED ON ACCOUNT OF A BEEF TAX, GRANTED IN 1780.

On the petition of Daniel Winchester, in behalf of the town of South Brimfield.

Resolved, That for reasons set forth in the said petition, the Treasurer of this Commonwealth, be, and he hereby is, directed to receive of the town of *South Brimfield*, *Twelve thousand six hundred and fifteen pounds*, Continental money, and to give credit to the said town therefor, the sum of *One hundred and thirty-four pounds, eleven shillings*, in part of the sum of *One hundred and sixty-eight pounds, four shillings*, for which an execution has been issued against the said town of *South Brimfield*, on account of a Beef tax granted in *December, 1780.* *March 22, 1786.*

Chapter 158.

Chap.158 RESOLVE ON THE PETITION OF EBENEZER PEIRCE, OF PARTRIDGEFIELD, GRANTING HIM FIVE POUNDS, FOUR SHILLINGS, BEING THE AMOUNT OF OUTSTANDING TAXES ASSESSED UPON SUNDRY LOTS OF LAND, WHICH BELONGED TO ABSENTEES.

On the petition of Ebenezer Peirce, in behalf of the Proprietors of the town of Partridgefield :

Resolved, That there be paid out of the public treasury, to the Proprietors of the said town of *Partridgefield*, the sum of *Five pounds, four shillings*, being the amount of outstanding taxes assessed upon sundry lots of land, which belonged to absentees, and have been sold for the use of this Commonwealth. *March 22, 1786.*

Chapter 159.

Chap.159 RESOLVE ON THE PETITION OF JOHN GOULD, DIRECTING THE TREASURER TO RECEIVE A CERTAIN SUM, IN DISCHARGE OF THE TAXES COMMITTED TO HIM TO COLLECT.

On the petition of John Gould, of Malden, for reasons set forth in said petition :

Resolved, That the Treasurer of this Commonwealth, be, and is, hereby directed to receive of *John Gould*, *Six pounds, nineteen shillings and ten pence*, in full discharge of the taxes committed to him to collect. *March 22, 1786.*

Chapter 160.

RESOLVE ON THE PETITION OF *BRIDGET GILMAN*.

Chap.160

Whereas it appears to this Court, that Daniel Gilman, late of Exeter, has absconded and left his wife and three small children, destitute of any support, and that he is not likely to return to his said family, or afford them any support: Therefore

Resolved, That Bridget Gilman, wife of the said Daniel, be so far considered as a femme sole, as to be, and she hereby is, fully authorized and empowered to demand, sue for, and recover, in her own name, and to her use, any estate, real or personal, which she would have been entitled to, if she had not intermarried with the said Daniel, and to commence, and prosecute to final judgment and execution, any action or actions, for the purpose aforesaid, in the same manner as if the said Daniel was dead; and the said Bridget is further authorized and empowered to sell and convey any estate, which descended to her from her late father, her intermarriage with the said Daniel notwithstanding.

March 22, 1786.

Chapter 161.

RESOLVE ON THE PETITION OF *SAMUEL THOMPSON*, ADMINISTRATOR ON THE ESTATE OF *HANNAH JOHNSON*, EMPOWERING HIM TO SELL HER ESTATE MENTIONED.

Chap.161

On the petition of Samuel Thompson, praying that licence may be granted for the sale of certain real estate, mentioned in his said petition.

Resolved, That Samuel Thompson, administrator upon the estate of Hannah Johnson, late of Woburn, in the county of Middlesex, widow, deceased, intestate, be, and he hereby is, empowered and licenced to make sale of the real estate of the said Hannah Johnson, for the most the same will fetch, and make and execute a deed or deeds thereof; the said Samuel observing the rules and directions of the law, for the sale of real estates by executors and administrators; and first giving security to the Judge of Probate, for the county of Middlesex, that the proceeds of the sale shall be disposed of according to law.

March 22, 1786.

Chapter 162.

*Chap.*162 RESOLVE ON THE PETITION OF THE INHABITANTS OF DEER ISLAND, GRANTING AND CONFIRMING ONE HUNDRED ACRES OF LAND TO EACH OF SAID SETTLERS, ON CONDITION.

Whereas it appears to this Court, from a survey and plan of a certain island, lying within the county of Lincoln, called Deer Island, taken by Rufus Putnam, Esq; in the year 1785, together with a small island lying near the west shore of the said Deer Island, called Sheep Island, that the said islands contain in the whole, sixteen thousand eight hundred and seventy-six acres, whereon were eighty settlers, before the first day of January, 1784; and whereas Joseph Tyler and others, settlers on the said islands, have petitioned this Court for a grant of the same, to them, their heirs and assigns: Therefore

Resolved, That there be, and there is, hereby granted and confirmed to the said Joseph Tyler, and the other settlers, who settled thereon and made a separate improvement before the first day of January 1784, their heirs and assigns, one hundred acres each, to hold in severalty, to be laid out so as to include their respective improvements, as a compensation for settlement; on condition, that the aforesaid settlers pay into the treasury of this Commonwealth, within one year from the date hereof, for the survey, and other charges, One hundred and twenty pounds, in specie, with interest until paid; provided that where any original settler has sold, or otherwise disposed of his improvements, the purchaser of such improvements, his heirs and assigns, shall hold the same lands which such original settler would have held by virtue of this resolve, if there had been no such sale or disposition.

And be it further Resolved, That the remainder of the said Deer Island, with all the privileges and appurtenances to the same belonging, be, and is, hereby granted and confirmed to the said Joseph Tyler and Mark Haskell, Joseph Colbey, John Campbell, Charles Pressey, Ignatius Haskell, Thomas Saunders, Edward Haskell, Joshua Haskell, Thomas Haskell, Jonathan Eaton, Ezekiel Marshall, George Tyler, Thomas Stinson, jun., Belcher Tyler, Nathan Dow, John Pressey, Thomas Stinson, Nathan Glosson, Elijah Donham, Theophilus Eaton, Levi Carman, Ezra Howard, Ambrose Colby, Nathaniel Bray, Robert Nason,

Benjamin Cole, Ezekiel Moory, John Hooper, Lot Curtis, Chase Pressey, Thomas Saunders, Samuel Trunday, John Raynes, Samuel Raynes, Thomas Smalley, Job Smalley, Charles Sellers, Josiah Crocket, Thomas Robbins, William Babbage, Joseph Whitmore, William Greenlaw, George Freas, Cortney Babbage, John Freas, Peter Hardy, Jeremiah Eaton, William Eaton, John Glosson, Thomas Thompson, Robert Linn, Marcy Staples, Charles Greenlaw, Simon Fowler, David Torey, Jonathan Torey, Samuel Crombie, Joseph Donham, their heirs and assigns ; on condition, that they appropriate three hundred acres of land for the use of the ministry, and three hundred acres for the use of a grammar school, and that they pay into the treasury of this Commonwealth, within one year from the time of passing this resolve, One thousand two hundred and forty-one pounds, eight shillings, in consolidated securities of this Commonwealth, with interest.

The said *Deer Island* and *Sheep Island*, granted as aforesaid, are bounded as follows, viz. : northeasterly on *Eggamogan Beach*, which separates *Deer Island* from township No. 4, laying between *Penobscot River*, and *Union River*, beginning at *Hardy's Point*, at the north end of the said island ; from thence running southeasterly by several headlands, to *Campbell's Point* ; from thence southwesterly to the northwest point of *Campbell's Island* ; thence by the westerly and southwest shore of *Campbell's Island*, to the south extreme of the same ; from thence easterly, passing on the southerly side of island *B*, as marked in the said plan, to the northeast point of *Stinson's Neck* ; from thence southerly touching the extreme headlands of *Stinson's Neck*, to the most southerly point thereof ; from thence southwesterly to the east point of *Bavige's Neck* ; from thence southerly to the southeast point of *Deer Island* ; from thence southwesterly and westerly, touching the extreme headlands of *Deer Island*, to a point thereof opposite *Crotch Island*, by *Deer Island Thoroughfare* ; from thence northwesterly, to the west point of *Deer Island*, near the southwest harbour ; from thence northerly, touching the west extreme of *Sheep Island* to *Donham's Point*, or *Ragged Head* ; from thence northeasterly, touching the east extreme of *Cranne Island* to *Hardy's Point* aforesaid ; which description includes *Deer Island Proper*, *Greenlaw Neck*, *Stinson's Neck*, *Bavige's Neck*, and *Sheep Island*, which lays near the west shore of *Deer Island*.

March 22, 1786.

Chapter 163.

- Chap.163** RESOLVE ON NATHANIEL EATON'S PETITION, DIRECTING THE TREASURER TO ISSUE A NOTE OF THE SAME TENOR AND DATE WITH THE NOTE LOST, GIVING SECURITY.

On the petition of Nathaniel Eaton, setting forth that in December, 1781, he was in possession of a specie note of this Commonwealth, for the sum of Nine pounds, five shillings and eleven pence, without any interest having been endorsed, given to James Rix, a soldier in Col. Wesson's regiment, and that by accident said note was thrown into the fire, and totally destroyed, and praying that another note may be given him, of like tenor and date with that which was burned:

Resolved, That the prayer of the said petition be granted, and that the Treasurer of this Commonwealth, be, and he hereby is, directed to issue to the said *Nathaniel Eaton*, a note of the same tenor and date with the note aforesaid, the petitioner giving security to the Treasurer to reimburse the same in case the note said to have been destroyed, should hereafter be offered at the treasury for payment.

March 22, 1786.

Chapter 164.

- Chap.164** RESOLVE ON THE PETITION OF THOMAS MURPHY, DIRECTING THE TREASURER TO DELIVER NOTES TO SAID MURPHY, TO THE SAME AMOUNT AS IF NONE HAD BEEN ISSUED.

On the petition of Thomas Murphy, setting forth, that he was a soldier in Col. Crane's regiment of artillery, and that his wages have been drawn by one William Bennet, from the treasury of this Commonwealth, by a forged order:

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, directed to make out and deliver to the said *Thomas Murphy*, notes in the same manner, and for the same amount, as if none had ever been issued for the payment of the aforesaid *Murphy's* wages. *March 22, 1786.*

Chapter 165.

- Chap.165** RESOLVE DIRECTING THE TREASURER TO RECEIVE OF JOSEPH BAKER, A SUM IN ARMY NOTES OR OTHER NOTES, AND TO DELIVER THE BOND HERETOFORE GIVEN FOR THE BALANCE OF THE ACCOUNT MENTIONED.

Whereas it appears to this Court, that in the settlement of accounts between this Commonwealth and Joseph Baker,

late a Commissary of Purchases, the said settlement in some respects was made in a manner unfavorable to the said Baker, and that he had until the year 1781, monies in advance for the benefit of this Commonwealth, and probably sustained loss from the depreciation of the paper currency which he then received:

Therefore *Resolved*, That the Treasurer of this Commonwealth, be, and he hereby is, directed to receive of the said *Joseph Baker*, the sum of *One thousand five hundred and nine pounds, sixteen shillings and three pence*, in the army notes, or other notes given by the Treasurer of this Commonwealth for specie, which are now due, and upon which the interest remains unpaid, from the tenth day of *February*, 1783, or in case the interest has been paid, the Treasurer is directed to receive a sum in specie, or orders therefor on Collectors, equal to the interest so paid:— And the said Treasurer, upon receiving the said sum of *One thousand five hundred and nine pounds, sixteen shillings and three pence*, in the manner aforesaid, with the interest as aforesaid, is hereby directed to deliver to the said *Joseph Baker*, the bond heretofore given by him for the balance of the account above mentioned.

March 22, 1786.

Chapter 166.

RESOLVE ON THE GOVERNOR'S MESSAGE, RELATIVE TO THE CONVICTS CONFINED ON *CASTLE ISLAND*, APPOINTING A COMMITTEE TO DETERMINE ON A PLAN OF A PRISON FOR THEM, AND GRANTING *FOUR HUNDRED POUNDS* TO THE COMMISSARY GENERAL TO FURNISH MATERIALS.

Chap. 166

The Committee of both Houses, appointed at the last sitting of this Court, to whom was committed the consideration of that part of the Governor's message of the 5th of last *November*, which respected the safe keeping of the convicts confined to hard labour on *Castle Island*, in the harbour of *Boston*, have attended that service, and ask leave to report. — That they have, agreeable to their appointment, visited the said Island in the recess of the Court, and carefully examined the state and circumstances of the prisoners, now under confinement there, and also the condition of the barracks in which they are at present lodged; and find that the buildings now erected on that Island, are by no means adapted to, or sufficient for the

safe keeping of the convicts that are now there. And whereas among the number of convicts from all parts of this State, who are or may be sentenced to be confined to hard labour on that Island, there will probably be many persons of the “most flagitious and abandoned characters, ready to attempt the most desperate measures for procuring their liberty;” the Committee therefore ask leave further to report as their opinion, that it is absolutely necessary for the safe keeping of the said convicts, and for the security of the garrison, that a prison be forthwith built, on some convenient part of *Castle Island*, within the harbour of *Boston*, of sufficient bigness and strength, to contain and secure such a number of convicts, as may be likely, at any one time, to be under sentence of confinement to hard labour on the said Island. And the said Committee beg leave to suggest the propriety of choosing a Committee forthwith, for the purpose of preparing a proper plan or draft of such a prison, together with all such outhouses and workshops, as may be necessary for accommodating and employing, to the greatest advantage, such of the said convicts as may be capable of making nails, or of being profitably employed in any other branch of mechanic business, and to lay the same before the next General Court.

In Senate, March 17, 1786.

Read and accepted, and *Ordered*, That *Richard Cranch* and *Peleg Coffin*, Esq's. Mr. *Daves*, Mr. *Thatcher* and Mr. *Davis*, be a Committee for the purpose herein mentioned. And the said Committee are instructed to consider of, and report measures necessary to be immediately taken for the safe keeping of the convicts confined on *Castle Island*.

Who reported as follows :

Whereas it is represented to this Court that the place assigned for the temporary confinement of the convicts on Castle Island, in the harbour of Boston, is so small that it will be inconsistent with their health, and the health of the garrison, to have them so closely confined when the hot weather shall come on: And whereas it appears to this Court necessary that a strong building, not exceeding sixty feet in length, and forty feet in breadth, and two story high, to be framed of solid timbers of twelve inches square, with such offices and workshops as may be requisite, should be erected as soon as possible, for the safe

keeping and employing of the convicts, who shall from time to time be sentenced to hard labour on the said Island :

Therefore *Resolved*, That *Richard Cranch, Thomas Daves* and *Ebenezer Wales, Esq's* ; be a Committee to determine on a plan of the said prison, and the buildings therewith connected ; and also on the particular place on the said Island, where the same shall be erected. And that the sum of *Four hundred pounds* be paid out of the public treasury of this Commonwealth to the Commissary General, to enable him forthwith to procure the timber and other materials for the said buildings ; and the said Commissary General is hereby empowered and directed to procure the said materials in such quantity, and of such kinds and dimensions, as the said Committee shall direct, and to cause the said prison, and the other necessary accommodations connected therewith, to be built as soon as possible, according to such plan and directions as shall be given to him by the said Committee.

March 22, 1786.

Chapter 167.

RESOLVE ON THE PETITION OF *JOHN COOLIDGE*, SETTING ASIDE A JUDGMENT GIVEN AGAINST HIM, ON CERTAIN CONDITIONS.

Chap.167

Upon the petition of John Coolidge, praying that a judgment recovered against him in the Court of Common Pleas, holden at Boston, within and for the county of Suffolk, on the first Tuesday in January last, by John Bacon, may be set aside :

Resolved, That upon the said *John Bacon's* giving bond in the Clerk's office, with sureties to the value of *Two hundred pounds*, conditioned that the execution which may issue upon said judgment, shall be extended on the mortgaged land, sold as mentioned in said *Coolidge's* petition, so far as the same will go in satisfaction of said judgment, the same judgment shall be considered as valid, and execution issue thereon, and the attachment made on the original writ, shall be held as good and valid, to all intents and purposes for thirty days next after taking out execution on said judgment ; and in default of the said *Bacon's* giving bonds as aforesaid, within twenty days from the passing this resolve, then the same judgment be, and hereby is declared null and void ; and that the Clerk

of the Court aforesaid, carry the action forward to the next Court of Common Pleas, to be holden in the county of *Suffolk*, in the same manner as if the same action had been regularly continued within the term, and that the same parties have day in Court, at the next term in said county of *Suffolk*, in the same manner as if the same action had been continued in the ordinary course of law.

March 23, 1786.

Chapter 168.

Chap.168 RESOLVE ON THE PETITION OF BRIGADIER JOSEPH PALMER, DIRECTING HIM TO EXHIBIT HIS ACCOUNT, AND HIS BRIGADE MAJOR'S, TO THE COMMITTEE FOR SETTLING WITH THE ARMY, FOR SERVICES ON THE RHODE ISLAND EXPEDITION, AND TO CERTIFY THE SUM DUE, TO THE GOVERNOR AND COUNCIL.

On the petition of Brigadier Joseph Palmer, representing that neither he nor his Brigade Major have received pay for their service in the expedition against the enemy then at Rhode Island, in the year 1777. And also that by order of the then Council of this State, he attended a Court of Inquiry, at Providence, praying that payment may be made for the said services, together with interest thereon.

Resolved, That the prayer of the petition be so far granted, that on the petitioner's exhibiting to the Committee for settling with the army, an account for his and his Brigade Major's service in the said expedition, and his account for attendance on the said Court of Inquiry, the said Committee, be, and they hereby are, directed to examine the same, and to certify to the Governor and Council, the sums respectively due to the said Brigadier and his Brigade Major, the same being adjusted according to the Continental establishment for the pay of similar officers in the year 1777; and also the sums due to the said Brigadier, for his time, travel and expence in attending the Court of Inquiry, as aforesaid, allowing therefor, *twenty shillings* per day. And the Governor is hereby authorized and requested, with the advice of Council, to make out his warrant on the treasury, for the sum so certified, the same to be charged to the United States.

March 23, 1786.

Chapter 170.*

RESOLVE GRANTING TO DOCTOR JOSEPH GARDNER, ADMINISTRATOR ON THE ESTATE OF THE LATE TREASURER, TWO THOUSAND FIVE HUNDRED AND TWELVE POUNDS, ONE SHILLING AND EIGHT PENCE, ONE FARTHING, IN FULL DISCHARGE OF SALARY AND DISBURSEMENTS; AS ALSO FIVE HUNDRED AND EIGHTEEN POUNDS, THREE SHILLINGS AND SIX PENCE, FOR INTEREST ON SAID SUM; HALF OF SAID SUMS TO REMAIN IN THE TREASURY AS A SECURITY, SIX MONTHS AFTER PASSING THIS RESOLVE, AND HOLDING THE ADMINISTRATOR TO REPAY TO THE TREASURER ALL SUMS AS SHALL APPEAR DUE ON ANY DEMANDS AFTER THE 7TH OF FEBRUARY, 1786. Chap.170

Whereas it appears to this Court on a liquidation of all accounts between this Commonwealth, and the estate of the late Henry Gardner, Esq; that there is due to the said estate, for balance of his salary, and account as Treasurer and Receiver General, from October 28, 1774, to the 8th day of October, 1782, the sum of Two thousand five hundred and twelve pounds, one shilling and eight pence, one farthing; and it being necessary that the same should be discharged, in order to enable the administrator on the said estate to complete a settlement thereof: Therefore

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to Doctor Joseph Gardner, administrator on the estate of the late Henry Gardner, Esq; late Treasurer and Receiver General of this Commonwealth, the sum of Two thousand five hundred and twelve pounds, one shilling and eight pence, one farthing, in full discharge of all demands of the said administrator, in his said capacity, against this Commonwealth, for salary and all disbursements, including the sum of Twelve hundred pounds on account of a demand of John Furnass, Esq; late a principal clerk in the office of the late Treasurer Gardner, for which his estate is accountable.

And it is further Resolved, That the further sum of Five hundred and eighteen pounds, three shillings and six pence, be allowed and paid out of the public treasury, to the said administrator, which sum is in full for interest on the said sum of Two thousand five hundred and twelve pounds, one shilling and eight pence, one farthing, from the eighth day of October, 1782, to the sixteenth day of March, 1786.

Provided nevertheless, That one half of each of the

* No chapter 169 in Session Pamphlet.

sums abovementioned shall remain in the treasury of this Commonwealth, six months after the passing of this resolve, as a security against any demands that may be made for monies due on any rolls, due bills, or any other account whatever, or for securities, which the said Treasurer or the said *Furnass* received, or for which the said Treasurer has been credited, and which have not been accounted for. And

Provided also, That the said administrator shall be, and he hereby is, holden to repay to the Treasurer of this Commonwealth, all such sums of money as shall appear to be due on any demands which have been or shall be exhibited, from and after the 7th day of *February*, 1786, for or on account of any of the matters abovementioned, and the value of securities not accounted for as aforesaid, and also the interest of such sums, from and after the said 8th day of *October*, 1782.

March 23, 1786.

Chapter 171.

Chap.171 RESOLVE ON THE GOVERNOR'S MESSAGE, REQUESTING HIS EXCELLENCY TO INFORM THE INHABITANTS OF *MOOSE ISLAND*, OF THE MEASURES THAT HAVE BEEN TAKEN BY CONGRESS TO PROCURE AN AMICABLE SETTLEMENT OF THE DIVIDING LINE BETWEEN THE TERRITORY OF THE UNITED STATES AND THE PROVINCE OF *NEW BRUNSWICK*, AND TO ADVISE THEM TO ABIDE BY THEIR RESOLUTION.

Ordered, That his Excellency the Governor, be, and he hereby is, requested to write to the inhabitants of *Moose Island*, and inform them that Congress have taken measures to procure an amicable adjustment of the dividing line between the territory of the United States, and the province of *New Brunswick*, and to advise them to abide by their commendable resolution, not to forsake that system and constitution by which they justly think their natural rights and privileges will be secured.

March 23, 1786.

Chapter 172.

Chap.172 RESOLVE ON THE PETITION OF *JOSEPH TWITCHELL*, GRANTING THIRTY-TWO POUNDS, TWELVE SHILLINGS AND FIVE PENCE, WITH DIRECTIONS TO THE TREASURER IN THIS CASE.

Whereas the Committee on Accounts, to whom was committed the petition of Joseph Twitchell, Guardian to

the Natick Indians, praying that his accounts, in his said capacity, might be liquidated and settled, have attended that service, and reported, that on settlement they find that the said Guardian hath in his possession, of the estate of the following Indians, the following sums, viz. :

Of the estate of Dinah Speen, one pound, four shillings and four pence,	£.	s.	d.
	1	4	4
Of the estate of Hezekiah Comocho, sixty-one pounds, two lve shillings and four pence,	61	12	4
Of the estate of Elizabeth Nahorton, one pound, fifteen shillings and nine pence,	1	15	9
Of the estate of Esther Sodock, thirty pounds, eleven shillings and four pence,	30	11	4
Of the estate of Eunice Spiwood, sixteen pounds, nine shillings,	16	9	0
Of the estate of Samuel Abrahams, seven pounds, five shillings and one penny,	7	5	1
Of the estate of Elizebeth Speen, twenty-one pounds, sixteen shillings and nine pence,	21	16	9
Of the estate of Mary Gagon, eleven pounds, fourteen shillings and four pence,	11	14	4
Sum total,	£152	8	11

And whereas the said Committee have also reported that the said Guardian hath expended the whole of the estate that did belong to Mary Obscue and Deborah Comocho, and that they also find that there is due to the said Guardian, the following sums, for money expended for the support of the Indians hereafter named, after their estates were expended, viz. :

For the support of Esther Speen, three pounds, seven shillings and one penny,	£.	s.	d.
	3	7	1
For the support of John Ephraims, one pound, seven shillings and eleven pence,	1	7	11
For the support of Sarah Pero, twelve pounds, eighteen shillings and four pence,	12	18	4
For the support of Sarah Comocho, one pound, eleven shillings and ten pence,	1	11	10
Your Committee further find that the said Guardian has expended for the support of Elizabeth Tray (in specie) thirteen pounds, seven shillings and three pence,	13	7	3
Sum total,	£32	12	5

And that they also find in the said Guardian's hands, a consolidated note against this Commonwealth, belonging to the said Elizabeth Tray, for the sum of eighteen pounds, two shillings and nine pence,

Thereupon Resolved, That the said Guardian, be, and hereby is, charged with the aforesaid sum of One hundred

and fifty-two pounds, eight shillings and eleven pence, and also with a further sum of Four pounds, fifteen shillings and six pence contained in a consolidated note in his possession, which belongs to *Elizabeth Tray*.

And it is further *Resolved*, That there be paid out of the public treasury of this Commonwealth, to the said *Joseph Twitchell*, *Thirty-two pounds, twelve shillings and five pence*.

And it is further *Resolved*, That the Treasurer, on his paying the said sum of *Thirty-two pounds, twelve shillings and five pence* be directed to endorse *Thirteen pounds, seven shillings and three pence* on the said note belonging to *Elizabeth Tray*.

March 23, 1786.

Chapter 173.

Chap.173 RESOLVE ON THE PETITION OF THE SELECTMEN OF TOPSHAM, DIRECTING THE TREASURER TO CREDIT SAID TOWN ON THE SECOND TAX IN 1780, FOR ABATEMENT OF TAXES.

On the petition of the Selectmen of Topsham, praying for abatement of taxes, for reasons set forth in their petition:

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the town of *Topsham*, the sum of *One hundred and twenty-six pounds, six shillings and two pence*, on the second tax set on that town in the year 1780.

March 23, 1786.

Chapter 174.

Chap.174 RESOLVE ON THE PETITION OF JONATHAN COFFIN, 3d, OF NANTUCKET.

On the petition of Jonathan Coffin, 3d, for reasons set forth in said petition.

Resolved, That the prayer thereof be so far granted, that *Zaccheus Marcy* and *Richard Mitchell, jun.*, be, and they hereby are, appointed Agents to sell at public auction or private sale, the estate both real and personal, which may be found, belonging to *James Cordoda*, late of *Nantucket*, deceased, and to give good deed or deeds of the same, the proceeds thereof to be appropriated for the payment of said *Coffin's* account (or so much thereof as the neat sales may amount to) which shall be found justly due

by the Agents aforesaid; the said Agents to be accountable to this Court for the expenditure of the proceeds of said estate by them so sold.

March 23, 1786.

Chapter 175.

RESOLVE ON THE PETITION OF BENJAMIN AND ISRAEL FEARING, IN BEHALF OF THE TOWN OF WAREHAM, ABATING SAID TOWN THREE HUNDRED AND TWENTY POUNDS, ON SEVERAL TAXES DUE IN 1780 AND 1785. Chap.175

On the petition of Benjamin and Israel Fearing, in behalf of the town of Wareham, representing the inability of the said town to pay the taxes already assessed upon them, and praying for relief.

Whereas it appears to this Court, that the town of Wareham, previous to the settlement of the present valuation, have been taxed more than their just proportion of the public taxes. Therefore

Resolved, That the said town of Wareham, be, and hereby are, abated the sum of Three hundred and twenty pounds, part of the sum now due from the said town, on the several taxes granted and assessed since the beginning of the year 1780, to the end of the year 1785, and the Treasurer is hereby directed to credit the said town of Wareham the aforesaid sum accordingly, provided that the remaining sum, due to the Treasurer from the said town, shall be paid into the treasury, in nine months from the date hereof, any law or resolve to the contrary notwithstanding.

March 23, 1786.

Chapter 176.

RESOLVE FOR DELIVERING THE PAY ROLL OF THE NINE MONTHS MEN, TO THE COMMITTEE FOR SETTling WITH THE ARMY, AND DIRECTING THEM TO CHARGE THE AMOUNT OF THEIR WAGES, TO THE UNITED STATES, AND DIRECTING THE SAID COMMITTEE TO CERTIFY THEIR BALANCES TO THE GOVERNOR AND COUNCIL, FOR PAYMENT. Chap.176

Whereas it appears by a pay roll exhibited to this Court, that there is a considerable sum due to the nine months men, for their service in the years 1779 and 1780: and whereas the bounties given by this State to said nine months men, have not been charged to the United States. Therefore

Resolved, That the pay roll for said nine months men be delivered to the Committee for settling with the army, who are directed to charge the United States with the amount of their wages, at *forty shillings*, specie, per month, deducting the value of the monies paid said men by the United States.

And it is further *Resolved*, That such of said soldiers as have a balance due to them on said roll, shall be paid the same out of the public treasury of this Commonwealth, in receipts on Collectors of outstanding taxes; and on application of such of said soldiers as have a balance due to them as aforesaid, the said Committee shall certify to the Governor and Council, the name of the soldier or soldiers thus applying, and the balance due to such soldier or soldiers respectively.

March 23, 1786.

Chapter 177.

Chap.177 RESOLVE ON THE PETITION OF *TIMOTHY RAWSON*, TO NOTIFY *JOHN KIES* TO SHEW CAUSE, &c.

On the petition of Timothy Rawson :

Resolved, That the prayer of the said petition of *Timothy Rawson*, be so far granted, as that the petitioner notify the said *John Kies*, by serving him with an attested copy of his said petition, and this order thereon, twenty days at least, before the second Wednesday of the first sitting of the next General Court, that he may then shew cause, (if any he has) why the prayer of the said petition should not be granted; and that execution be stayed in the mean time.

March 23, 1786.

Chapter 178.

Chap.178 RESOLVE GRANTING TO *JOHN GREEN*, REPRESENTATIVE FOR *WORCESTER*, IN 1777, *SIXTEEN POUNDS. TWO SHILLINGS*, AND DIRECTING THE TREASURER TO CHARGE THE SAME TO THE LATE TREASURER *GARDNER'S* ESTATE.

Resolved, That there be allowed and paid out of the treasury of this Commonwealth to *John Green*, the sum of *Sixteen pounds, two shillings and four pence, three farthings*, lawful money, in full for his services as a Representative for the town of *Worcester*, in the year one thousand seven hundred and seventy-seven, agreeably to the pay roll of the House of Representatives for that

year; and the Treasurer is hereby directed to pay the same accordingly, and charge said sum to the estate of the late Treasurer *Gardner*. *March 23, 1786.*

Chapter 179.

RESOLVE ON THE PETITION OF *SIMEON FOWLER* AND OTHERS, *Chap.179*
OF THE PLANTATION CALLED *NEW WORCESTER*, CONFIRM-
ING CERTAIN LANDS MADE BETWEEN *MOSES KNAPP* AND
ASSOCIATES, ON CERTAIN CONDITIONS.

Resolved, That the settlers on the plantation called *New Worcester*, be confirmed in the lands, which by an agreement made between them and *Moses Knapp* and associates, dated the 22d of *March* instant, they, the said *Knapp* and associates, agree to release for the benefit of the said settlers, they, the said settlers, or their Committee, paying into the treasury of this Commonwealth, the sum of *Three thousand pounds*, in consolidated notes of this government, within the space of four years, with interest or giving security to the Treasurer for the payment of the same, to the satisfaction of the Committee on the subject of unappropriated lands in the county of *Lincoln*; and the said Committee last mentioned, shall have full authority to confirm by deed, the said lands to the said settlers, to receive back a deed by them given to said *Knapp* and associates, and in lieu thereof, to give a new one conformable to the said agreement; and on receiving back the said deed, if it shall not appear to have been recorded in the Register's Office in the county of *Lincoln*, the said Committee shall deliver up to the said *Knapp* and his associates, the bond in their possession against them, conditioned for the payment of *Three thousand one hundred and fourteen pounds, fourteen shillings*, with interest. *Provided nevertheless*, That such persons, and no others, shall be deemed settlers within the meaning of this resolve, saving such as shall be so considered by the said Committee, on the subject of unappropriated lands in the county of *Lincoln*, which Committee may confirm the said lands to such of the settlers as they shall judge entitled thereto, in such proportion as shall appear most equitable. *March 24, 1786.*

Chapter 180.

RESOLVE ON THE PETITION OF THE TOWN OF *FRYEBURG*, *Chap.180*
ABATING CERTAIN TAXES, FOR REASONS SET FORTH.

On the petition of the town of Fryeburg, praying for abatement of taxes, for reasons set forth in their petition.

Resolved, That the prayer of said petition be so far granted, that the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the said town of *Fryeburg*, for the sum of *Thirty-seven pounds, five shillings and seven pence*, the balance of a tax set on that town, in the year 1779, and not assessed, and the balance due from *Nathaniel Merrel*, being *Seven pounds, ten shillings and four pence*; the balance due from *Ebenezer Day*, being *Four pounds, nineteen shillings and nine pence*; the balance due from *Moses Ames*, being *Seventy-one pounds, ten shillings*; and the balance due from *Abraham Bradley*, being *Sixty-one pounds, ten shillings*, amounting in the whole to *One hundred and eighty-two pounds, fifteen shillings and eight pence*. And the said Collectors or Constables, from whom the several balances aforesaid remain due, are hereby directed to pay the same to the Treasurer of the town of *Fryeburg*, for the use thereof; and if any Constable or Collector of the taxes aforesaid, shall not, within three months from the time of passing this resolve, pay to the Treasurer of said town, the balance due as aforesaid, the said Town Treasurer is hereby empowered to issue his execution, or warrant of distress, against such deficient Constable or Collector, in the manner prescribed in case of non-payment of town taxes, mutatis mutandis.

March 24, 1786.

Chapter 181.

Chap. 181 RESOLVE ON THE PETITION OF FRANCIS DANA, ESQ; GRANTING HIM THE SUM OF SEVENTY-FIVE POUNDS, FOR THE FIRST QUARTER'S SALARY, AFTER HIS APPOINTMENT TO THE OFFICE OF JUDGE OF THE SUPREME JUDICIAL COURT.

Upon the memorial of Francis Dana, Esq; setting forth, that he has not received his salary, as a Judge of the Supreme Judicial Court, for the first quarter of a year after his appointment to said office.

Resolved, That there be allowed and paid out of the public treasury, to the said *Francis Dana*, Esq; the sum of *Seventy-five pounds*, in full for the first quarter of a year's salary, after his appointment to said office, *to wit*, from the first day of *January*, 1785, to the first day of *April*, in the same year.

March 24, 1786.

Chapter 182.

RESOLVE ON THE PETITION OF *WILLIAM JONES*, DIRECTING THE TREASURER TO CALL ON ALL DELINQUENT COLLECTORS IN THE TOWN OF *BRISTOL*, FOR THE REMAINING PART OF THE SUM CHARGED BY A RESOLVE OF THE 12TH OF NOVEMBER, 1784. Chap.182

On the petition of William Jones, in behalf of the town of Bristol, praying that the Treasurer may be empowered to revive all the warrants that were recalled by a resolve of the General Court, passed November 12, 1784, so far as respects the town of Bristol.

Resolved, That the Treasurer of this Commonwealth, be, and he is, hereby directed to call on all the Collectors of taxes, in the town of *Bristol*, in the county of *Lincoln*, to pay into the treasury all the taxes due from the said town, by a resolve of the General Court of the 12th of *November*, 1784: and the Collectors to whom the several taxes were committed, are empowered to collect the same, in the same manner as if the said resolve had not passed; and the remainder of the sums of said assessments, when the abovesaid taxes shall be paid into the public treasury, the Collectors are directed to pay into the treasury of the town of *Bristol*.

March 24, 1786.

Chapter 183.

RESOLVE ON THE PETITION OF *HENRY BASS*, EXECUTOR OF *WILLIAM BAKER*, DECEASED, LATE MESSENGER. Chap.183

On the petition of Henry Bass, executor of the will of Mr. William Baker, deceased, late Messenger to the General Court:

Resolved, That there be allowed and paid out of the public treasury of this Commonwealth, to *Henry Bass*, executor as aforesaid, the sum of *Forty-six pounds, thirteen shillings and four pence*, which is in full for *Mr. William Baker's* services, as Messenger to the General Court, from the 25th day of *August*, to the 9th of *December*, 1785.

March 24, 1786.

Chapter 184.

RESOLVE ON THE PETITION OF *BENJAMIN ADAMS*.

On the petition of Benjamin Adams, of Rowley, in the county of Essex, administrator on the estate of Samuel Chap.184

Adams, of Abington, in the county of Plymouth, physician, deceased, praying that his account may be again considered by the Judge of Probate for the county of Plymouth, or at least that he might be enabled to prosecute his appeal, for reasons set forth in his petition:

Resolved, That the prayer of the petition be so far granted, that the said *Benjamin Adams*, administrator on the said estate, be ordered to serve *Benjamin Adams*, of *Newbury*, with an attested copy of the said petition, with this resolve thereon, at least fourteen days before the third Wednesday of the next session of the General Court, that they may then appear and shew cause, if any they have, why the prayer of said petition should not be granted, and that no action be brought against the administrator by the heirs of said *Samuel Adams*, deceased, in the mean time.

March 24, 1786.

Chapter 185.

Chap.185 RESOLVE ON THE PETITION OF SARAH SMITH, REPEALING A RESOLVE PASSED ON THE 24TH OF NOVEMBER LAST, AND DIRECTING THE TREASURER TO PAY THE SEVERAL SUMS THAT APPEAR TO BE DUE TO HER, ON PRODUCING VOUCHERS, &c.

On the petition of Sarah Smith, praying for wages due to her late husband, Moses Smith, for services performed in the Continental army, which wages have been drawn by forged orders:

Whereas it appears there was a resolve passed this Court, the 24th of November last, directing the Treasurer of this Commonwealth, to pay the said Sarah Smith, the wages due to her late husband, in which resolve Joseph Smith is inserted, instead of Moses Smith:

Resolved, That the said resolve, be, and hereby is, repealed and the Treasurer of this Commonwealth is directed to pay to the said *Sarah Smith*, the several sums that appear to be due to her, on her producing such sufficient vouchers as the law directs, to entitle her to receive the same, in the same manner he would have paid them if they had not been paid on the forged orders aforesaid.

March 24, 1786.

Chapter 186.

RESOLVE ON THE PETITION OF ISAAC COIT, IN BEHALF OF THE TOWN OF SOUTHWICK, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH THE SUM MENTIONED. Chap.186

On the petition of Isaac Coit, in behalf of the town of Southwick, setting forth that said town has been fined for the deficiency of seven three years men, they were directed to procure by a resolve of the second of December, 1780, also for five three months men they were directed to procure, by a resolve of the 30th June, 1781 :

Whereas it appears that said town is unable to pay said fines, or any part thereof :

Resolved, That for reasons set forth in the said petition, the Treasurer of this Commonwealth, be, and he hereby is, directed to credit the said town of Southwick, the sum of Sixteen hundred and nine pounds, one shilling and three pence, being the fines and average price laid on said town, in Tax No. 3, granted in the year 1783, any law or resolve of this Commonwealth to the contrary notwithstanding.

March 24, 1786.

Chapter 187.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF WILLIAMSBURGH, DIRECTING THE TREASURER TO CREDIT SAID TOWN WITH THE FINE MENTIONED. Chap.187

On the petition of the Selectmen of the town of Williamsburgh, praying for the abatement of a fine imposed on them, for the deficiency of one man, as their quota of the Continental army, for reasons in said petition set forth :

Resolved, That the prayer thereof be granted, and the Treasurer of this Commonwealth is hereby directed, to credit the said town the sum of Seventy-four pounds, one shilling and three pence, and to discharge any execution that may be issued against the said town for the recovery of the aforesaid fine.

March 24, 1786.

Chapter 188.

RESOLVE ON THE PETITION OF THE SELECTMEN OF THE TOWN OF POWNALBOROUGH, DIRECTING THE COLLECTORS IN THE COLLECTION OF TAXES, TO COMPLETE THE SAME. Chap.188

On the petition of the Selectmen of the town of Pownalborough, praying that the Collectors of said town, may be

empowered to finish and complete the whole of the collection on Tax No. 3 for 1783.

Resolved, For reasons set forth in said petition, that the prayer thereof be granted, and that the Collectors aforesaid are hereby authorized and empowered to finish and complete the whole of their said collection on said tax, on or before the first day of *July* next, and that the warrants from the Treasurer of this Commonwealth, already issued on said tax, be their authority for the same.

And whereas the said Collectors have received orders, drawn on them by the Treasurer of the Commonwealth, on said tax, to a considerable amount, it is therefore further

Resolved, That the Treasurer, be, and he hereby is, directed to receive from the said Collectors all such orders, drawn by him as aforesaid, for the Beef tax, and any other arrearages of taxes that are due from said town.

And it is further *Resolved*, That the said Collectors pay unto the Treasurer of the said town of *Pownalborough*, the whole balance of said Tax No. 3, over and above what they have already and shall, by said orders, pay unto the said Treasurer of this Commonwealth, on or before the first day of *July* next; and that the said Town Treasurer be, and hereby is, authorized to issue his executions against said Collectors, or either of them, for their respective balances, in case of non-payment, any law or resolve to the contrary notwithstanding.

March 24, 1786.

Chapter 189.

Chap.189 RESOLVE ON THE PETITION OF *THOMAS PEASE*, OF EDGARTOWN, IN *DUKES COUNTY*.

On the petition of Thomas Pease, of Edgartown, in Dukes County, setting forth, that he was a Collector of public taxes for the year 1776, and that he collected and paid unto Henry Gardner, Esq; then Treasurer, the sum of One hundred pounds, on the 25th day of September, 1776; the residue of said tax being Twenty-five pounds, eighteen shillings and eleven pence, two farthings, which residue he did not collect until the year 1779; and praying the same may be remitted unto him, or that he might pay the residue at the depreciation in October, 1779; for reasons set forth in said petition:

Resolved, That the Treasurer, be, and he hereby is, ordered and directed to receive of the said *Thomas Pease*, the sum of *Twelve pounds, fifteen shillings*, in State notes, payable in the Tax called number four, issued one thousand seven hundred and eighty-four, and that the Treasurer on receiving the aforesaid sum of *Twelve pounds, fifteen shillings*, give the said *Thomas Pease* a discharge from said tax.

March 24, 1786.

Chapter 190.

RESOLVE ON THE PETITION OF *THOMAS B. RICHMOND*, GRANTING HIM *TWO POUNDS, THREE SHILLINGS*, FOR HIS SERVICES AS CLERK TO THE COMMITTEE OF VALUATION. *Chap. 190*

On the petition of Thomas B. Richmond, setting forth that he served as Clerk to the Committee on Valuation, and praying an allowance for that service:

Resolved, That there be allowed and paid out of the public treasury, to the said *Thomas B. Richmond*, one *shilling* per day while in said service, amounting to the sum of *Two pounds, three shillings*, in full therefor.

March 24, 1786.

Chapter 191.

RESOLVE ON THE PETITION OF *PAUL REED*, OF BOOTHBAY, TO NOTIFY THE ADVERSE PARTY TO SHEW CAUSE, &c. *Chap. 191*

Upon the petition of Paul Reed, of Boothbay, shewing that in the year 1781, he took a schooner, commanded by one Robert Douglass, for which he was prosecuted by one Billings Putnam, in which prosecution he lost his law, and prays for a rehearing.

Resolved, That the said *Paul Reed*, notify the said *Billings Putnam* to shew cause, if any he has, on the second Wednesday of the first session of the next General Court, why the prayer of said petition should not be granted, by causing the said *Billings Putnam* to be served with an attested copy of the said petition, and this order thereon, at least fourteen days before the said second Wednesday, and that execution against said *Paul Reed*, be stayed in the mean time.

March 24, 1786.

Chapter 192.

Chap.192 RESOLVE ON THE PETITION OF *THOMAS OSBORN*, EMPOWERING HIM TO MAKE SALE OF THE HOUSE MENTIONED.

On the petition of Thomas Osborn, praying for licence to make sale of a certain dwelling house, in Boston, which he sometime since purchased with his own property, and took a deed of the same, in the name of his children.

Resolved, For reasons set forth in said petition, that the prayer of the petition be granted, and that *Thomas Osborn*, the petitioner, be, and he is, hereby authorized and empowered to make sale of the house and land mentioned in the said petition, and make and execute a good and lawful deed or deeds of the same, to the purchaser or purchasers, in the same manner, and such deed or deeds shall have the same effect in law, to all intents and purposes, as if the deed referred to in the said petition, had been taken by the petitioner in his own name, provided that the petitioner shall, previous to executing a deed or deeds as aforesaid, satisfy and pay unto *John Osborn*, the sum of money due to him, with interest thereon, for which the said premises are mortgaged for security, and not otherwise.

March 24, 1786.

Chapter 193.

Chap.193 RESOLVE ON THE PETITION OF *REUBEN KIMBALL*, REFERRING THE CONSIDERATION OF SAID PETITION, TO THE THIRD WEDNESDAY OF THE FIRST SESSION OF THE NEXT GENERAL COURT.

On the petition of Reuben Kimball, setting forth that he was Collector of beef, in the county of Middlesex, in the year of our Lord 1781, that he supplied the Government with a quantity of beef, which ought to have been credited to the town of Sudbury, but was not; in consequence whereof, execution has issued in favour of the Commonwealth, against the said town of Sudbury, and also in favour of said town of Sudbury, against the said Kimball.

Resolved, That the consideration of the said petition be referred to the third Wednesday of the first session of the next General Court, and that all proceedings, by virtue of the abovementioned execution, be in the mean time stayed.

March 24, 1786.

Chapter 194.

RESOLVE ON THE PETITION OF BENJAMIN TUPPER.

Chap.194

On the petition of Benjamin Tupper, praying that one quarter part of the sum of One hundred and four pounds, twelve shillings, which the town of Chesterfield was charged with, when the town of Goshen was incorporated, may be charged to the said town of Goshen :

Ordered, That the petitioner notify the town of *Goshen*, by serving the Clerk of said town with an attested copy of this order, to appear on the second Wednesday of the next sitting of the General Court, to shew cause (if any they have) why the said town of *Goshen* should not be charged with the contents of an execution, and the costs which have arisen thereupon, which has issued against the town of *Chesterfield* for a failure in the same town, before the incorporation of the said town of *Goshen* in complying with a requisition for beef, in the year 1783; and it is hereby *Ordered*, that the execution aforesaid be stayed in the mean time.

March 24, 1786.

Chapter 195.

RESOLVE ON THE PETITION OF REUBEN TAYLOR, DIRECTING THE TREASURER TO ISSUE NOTES TO THE AMOUNT OF THE WAGES DUE TO HIM.

Chap.195

On the petition of Reuben Taylor, setting forth that the balance of wages, etc., that were due to him for service in Col. Putnam's regiment, in the year seventeen hundred and eighty, to the amount of Forty-four pounds, twelve shillings and three pence, in specie notes, were drawn by one Amos Dix, on an order which was forged, as appears by the oath of said Taylor.

Resolved, That the Treasurer, be, and he hereby is, directed to issue a note or notes to the said *Reuben Taylor*, to the amount of the wages due to him as aforesaid, in the manner prescribed by law.

March 24, 1786.

Chapter 196.

RESOLVE ON THE PETITION OF JAMES PERRY, ESQ; GRANTING ONE HUNDRED AND SIXTY-THREE POUNDS, FIFTEEN SHILLINGS AND TEN PENCE.

Chap.196

On the petition of James Perry, Esq; setting forth that he supplied the late Board of War, with a quantity of

hollow ware in July, 1778, and that the sum of One hundred and sixty-three pounds, fifteen shillings and ten pence, specie, still remains due therefor, and praying for payment of the said balance:

Resolved, That the Treasurer, be, and he is, hereby directed to pay the sum of *One hundred and sixty-three pounds, fifteen shillings and ten pence*, out of the public treasury, to the said *James Perry*, Esq; *One hundred pounds* thereof, by an order upon the Committee on the sale of absentees estates in the county of *Bristol*, and the remainder in such way as may be convenient.

March 24, 1786.

Chapter 197.

Chap. 197 RESOLVE TO HAVE A WAGGON ROAD OVER HOOSUCK MOUNTAIN, DIRECTING THE COMMITTEE FOR THE SALE OF UNAPPROPRIATED LANDS IN *BERKSHIRE*, TO PAY CERTAIN MONIES FOR THIS PURPOSE, AND APPOINTING A COMMITTEE TO VIEW THE SAID ROAD, &c.

Whereas it appears to this Court, that it may be of public utility, and considerably enhance the value of the lands belonging to this Commonwealth on Hoosuck Mountain, to have a waggon road made across the same:

Therefore *Resolved*, That the Committee for the sale of the unappropriated land belonging to this Commonwealth, in the county of *Berkshire*, be, and they are, hereby directed to pay out of the monies arising from the sale of the lands aforesaid, lying on the said *Hoosuck Mountain*, *One hundred and seventy-five pounds*, to such person or persons, who shall, on or before the first day of *December*, 1787, make and complete a good waggon road from the west line of *Charlemont*, across the said mountain, to the easterly line of the town of *Adams*; and shall erect and complete a good bridge over *Deerfield River*, at the place where the said road shall cross the same river.

And it is further *Resolved*, That *Thompson J. Skinner* and *Samuel Taylor*, Esqr's. and Mr. *Reuben Hinman*, be, and hereby are, appointed a Committee to view the said road, judge and determine whether the said bridge and road are completed in such manner as to answer the true intent and meaning of this resolve; and no person shall be entitled to receive payment as aforesaid, unless a certificate shall be produced, signed by the last mentioned

Committee, that the said road and bridge are completed in manner aforesaid: and the Committee for the sale of lands aforesaid, are hereby authorized and directed to make sale of so much of the said lands, as shall be sufficient to enable them to pay the said sum of *One hundred and seventy-five pounds*, to such person or persons, as shall make and complete the said road and bridge, by the said first day of *December*. 1787, and produce a certificate thereof from the Committee as aforesaid, any resolve of this Court, for postponing the sale of the aforesaid lands, notwithstanding.

March 24, 1786.

Chapter 198.

RESOLVE ON THE GOVERNOR'S MESSAGE, REQUESTING HIM TO TRANSMIT TO CONGRESS, AN ATTESTED ACCOUNT OF THE NUMBER OF INHABITANTS WITHIN THIS COMMONWEALTH.

Chap.198

Resolved, That his Excellency the Governor, be, and he hereby is, requested to transmit to Congress, an attested account of the number of inhabitants within this Commonwealth, a return of which hath been made into the Secretary's office, pursuant to an act and resolution of the Legislature, and also an attested copy of the act and resolution, requiring the said return.

March 24, 1786.

Chapter 199.

RESOLVE ON THE GOVERNOR'S MESSAGE, RESPECTING THE APPOINTMENT OF DELEGATES TO MEET IN CONVENTION FOR THE PURPOSE OF FORMING COMMERCIAL REGULATIONS.

Chap.199

Whereas information has been received that the General Assembly of the State of Virginia, have passed a resolution, appointing certain persons therein named, as Commissioners in behalf of the said State, to meet such Commissioners as may be appointed by the other States in the Union, for the purpose of taking into consideration the trade of the United States; and to report to the several States, such an act relative thereto, as will best promote the commercial interest of the United States.

Resolved, That the Honourable *Caleb Davis, Benjamin Goodhue, and Tristram Dalton*, Esquires, and *John Coffin Jones*, Esq; together with those persons who are or may be constituted Agents in behalf of this Commonwealth, to conduct and prosecute our claims to lands con-

troverted by *New York*, and lying to the westward of that State, be, and they are, hereby appointed Commissioners on the part of this Commonwealth, who, or any three of whom, are hereby authorized and empowered to meet such Commissioners as may be appointed by the other States in the Union, at *Annapolis*, on the first Monday in *September* next, for the purpose of considering the trade of the United States,—to examine the relative situations and trade of the said States,—to consider how far an uniform system in their commercial regulations may be necessary to their common interest, and their permanent harmony; and to report to the United States in Congress assembled, such an act relative to this great object, as when agreed to by them, and confirmed by the Legislature of every State, will enable the United States in Congress assembled, effectually to provide for the same.

And it is further *Resolved*, That his Excellency the Governor be requested to give notice to the Supreme Executives of the several States in the Union, of the concurrence of this Commonwealth in the measure proposed by the State of *Virginia*, for the purposes aforesaid.

March 24, 1786.

Chapter 200.

Chap.200 RESOLVE DISCHARGING SAMUEL PHILLIPS, JUN. AND NATHANIEL WELLS, ESQ'RS. OF THE SUM MENTIONED, AND GRANTING THE COMMITTEE THREE HUNDRED POUNDS, TO ENABLE THEM TO PROSECUTE THE BUSINESS OF UNAPPROPRIATED LANDS, AND MAKING THEM AN ALLOWANCE FOR THEIR SERVICES.

The Committee to whom was referred for examination, the accounts of two of the Committee for the sale of unappropriated lands in the county of *Lincoln*, and their report relative to their transacting the business committed to their charge, after carefully inspecting into the same, find the accounts exhibited by them, to be right cast and well vouched, and by which there appears to be a balance of *Forty-nine pounds, seven shillings and nine pence*, in favour of this Commonwealth, for which they are still to account; they also find that a further grant of *Three hundred pounds*, is necessary to enable them to continue the prosecution of their commission, and from a view of the magnitude of the object for which they were appointed; and notwith-

standing the perplexity attending its prosecution, they find that by the assiduity of the aforesaid Committee, a considerable progress is already made in the business of their commission, by which the Commonwealth will probably derive those advantages, which may reasonably be expected.

Resolved, That *Samuel Phillips*, jun. and *Nathaniel Wells*, Esq's. the two of the Committee abovementioned, be, and they are, hereby discharged of the sum of *One thousand and fifty-three pounds, eighteen shillings and seven pence half penny*, which they have received of the Treasurer of this Commonwealth, saving the balance of *Forty-nine pounds, seven shillings and nine pence*, for which they continue to be accountable.

And it is further *Resolved*, That the sum of *Three hundred pounds* be paid out of the treasury of this Commonwealth, unto *Samuel Phillips*, jun., *Nathaniel Wells* and *John Brooks*, Esq's; the Committee on the subject of unappropriated lands, to enable them to continue the prosecution of their business, they to be accountable for the expenditure of the same.

And be it further *Resolved*, that there be allowed and paid out of the treasury of this Commonwealth, unto *Samuel Phillips*, jun. and *Nathaniel Wells*, Esq's; the sum of *One hundred and fifty pounds* each, as a full compensation for their services aforesaid, from the 28th of *October*, 1783, to the time of passing this resolve.

March 24, 1786.

Chapter 201.

RESOLVE REQUESTING THE GOVERNOR AND COUNCIL TO CONSIDER THE BEST METHOD TO BE ADOPTED FOR THE COINING OF SILVER AND COPPER OF THE SEVERAL SORTS OF COIN.

Chap. 201

Whereas application hath been made to this Court, by divers persons, praying for a right of coining copper in this Commonwealth.

Resolved, That his Excellency the Governor and the Honourable Council, be, and they are, hereby requested to consider of the expediency of coining silver and copper, in this Commonwealth; and if in their opinion it is expedient that either be coined, that they consider what quantity it will be convenient to coin, in what mode the business should be conducted, the proper devices to be

used, and the advantage that may accrue from such coining, to this Commonwealth, and to make such communications on this subject, to the General Court, at the next session, as they may think conducive to the interest of the State.

March 24, 1786.

Chapter 202.

Chap.202 RESOLVE ON THE PETITION OF A NUMBER OF THE INHABITANTS OF THE TOWNS OF MEDFIELD, WRENTHAM, ROXBURY, &c., RESPECTING THE PASSAGE OF THE FISH UP CHARLES RIVER, APPOINTING A COMMITTEE TO REPAIR TO THE PLACES WHERE THE OBSTRUCTIONS ARE, &c., VIEW THE SAME AND REPORT.

On the petition of a number of the inhabitants of the towns of Medfield, Wrentham, Roxbury, Dedham, Newton and Medway, praying that an enquiry may be made, respecting the passage of the fish up Charles river, for reasons set forth in the said petition.

Resolved, That the prayer thereof be so far granted, that *Elisha May, Daniel Whitney, and Seth Bullard, Esq's*; be a Committee to repair to the places where the obstructions are, carefully view the same, hear all the parties, (previously notifying all concerned) and report at the next sitting of the General Court, what measures may be necessary to be taken thereon; provided however, that the petitioners agree to defray the charge of the Committee aforesaid.

March 24, 1786.

Chapter 203.

Chap.203 RESOLVE DIRECTING THE TREASURER TO SELL THE OLD CONTINENTAL MONEY.

Resolved, That the Treasurer of this Commonwealth, be, and he hereby is, authorized and empowered to exchange the whole or any part of the old Continental money, now in the treasury of this Commonwealth, on the best terms that he can, for the certificates called final settlements, or the certificates of any other liquidated debts of the United States.

Provided, That the Treasurer shall not exchange the same at a less rate than *fifty* of the said *Continental dollars*, for *one dollar* of final settlement certificates, on which the interest is due from the year 1783.

March 24, 1786.

Chapter 204.

RESOLVE RESPECTING COLLECTORS OF PUBLIC TAXES, AND DIRECTING THE SECRETARY TO FORWARD COPIES OF THIS RESOLVE, TO THE SEVERAL TOWNS. *Chap.204*

Whereas by a law passed the 23d day of March, 1784, all Collectors of public taxes were directed to render an account of their collections, and the money by them paid into the public treasury, once every two months, and as it is necessary that the state of the collection of public taxes should be known to the Treasurer:

Resolved, That the Selectmen, and where there are no Selectmen, the Assessors of each town, district and plantation, in this Commonwealth, be, and they are, hereby directed to call on the Collectors of their respective towns, districts and plantations, to render an account of their collections, and the money by them paid, from time to time, agreeable to said act; and the Selectmen and Assessors, are further directed to return into the Treasurer's office, from time to time, the particular state of the collections and payments made by such Collectors.

And it is further *Resolved,* That the said Selectmen and Assessors shall call on the said Collectors to render to them an account of all the monies by them paid to the Treasurer, and to the Sheriffs of their respective counties, previous to the tenth day of *February* last, which shall by the said Selectmen and Assessors, be returned into the Treasurer's office, on or before the first day of *June* next.

And it is further *Resolved,* That the Secretary, be, and he is, hereby directed to send copies of this resolve to the several towns, districts, and plantations in this Commonwealth, with the Tax Act passed at the present sitting of this Court.

March 24, 1786.

Chapter 205.

RESOLVE ON THE PETITION OF DAVID SANGER, GRANTING HIM NINE POUNDS, TEN SHILLINGS, AND ONE PENNY HALF-PENNY, IN FULL DISCHARGE OF THE SUM MENTIONED. *Chap.205*

On the petition of David Sanger, administrator on the estate of Samuel Sanger, late of Watertown, deceased:

Resolved, That the prayer of the petition be granted, and that there be allowed and paid out of the public treasury of this Commonwealth, unto *David Sanger* of *Water-*

town, administrator on the estate of the late *Samuel Sanger*, deceased, the sum of *Nine pounds, ten shillings and one penny half penny*, in full discharge of the same sum contained in a resolve of the General Court, *November 7, 1775.*

March 24, 1786.

Chapter 206.

Chap.206 RESOLVE RESPECTING FIVE HUNDRED ACRES OF LAND UNAPPROPRIATED, ADJOINING TO THE TOWN OF WESTMINSTER, APPOINTING A COMMITTEE TO DISPOSE OF THE SAME AT PUBLIC OR PRIVATE SALE, AND TO GIVE GOOD DEEDS, AND TO PAY THE SAME INTO THE TREASURY.

Whereas it appears that there is about five hundred acres of land adjoining to the town of Westminster, which is the property of this Commonwealth, a plan of which is on the files of the General Court:

Resolved, That *Abner Holden*, Esq; be, and he hereby is, authorized and empowered to make sale of the said tract of land at public or private sale, for public securities of this Commonwealth, to such person or persons, as shall be willing to purchase the same, and for such sum or sums as he may think is the most that can be procured therefor, after having given one month's notice of the sale thereof in the *Worcester* newspaper, and in the towns adjoining to said land, and by posting up advertisements of the same therein; and the said Committee are thereupon empowered to execute a good and sufficient deed or deeds of said land to the purchaser or purchasers, with six months credit, if it should be found necessary, he giving good security for the payment of the securities said land shall be sold for; and he is directed and required when he shall have received such securities, as soon as may be, to pay the same into the public treasury of this Commonwealth; and the Treasurer is directed to receive the same, and to give duplicate receipts therefor, one of which to be lodged in the Secretary's office.

March 24, 1786.

Chapter 207.

Chap.207 RESOLVE ON THE PETITION OF *BENJAMIN LATHAM*, EMPOWERING THE JUSTICES OF THE SUPREME JUDICIAL COURT, TO VARY THE SENTENCE MENTIONED.

On the petition of Benjamin Latham, praying that he may be sentenced to hard labour on Castle Island, in lieu of a confinement in goal:

Resolved, That the Justices of the Supreme Judicial Court, be, and they hereby are, empowered and fully authorized, to vary their former sentence agreeably to the prayer of the said petition, and to sentence the said *Latham* to a performance of hard labour on *Castle Island*, for so long a term as they shall judge fit, in lieu of his present confinement in goal.

March 24, 1786.

Chapter 208.

RESOLVE PROVIDING A FUND FOR PAYING THE JUDGES OF
THE SUPREME JUDICIAL COURT. *Chap. 208*

Resolved, That such part of the monies as may accrue, and be received into the treasury, by virtue of an act passed *July 2d, 1785*, for repealing a law of this Commonwealth, entitled, “An act imposing duties on licenced vellum, parchment and paper, and for imposing other duties on certain papers, commissions and processes,” as shall be amply sufficient for the payment of the salaries of the Justices of the Supreme Judicial Court, be, and hereby are, appropriated to that purpose, for the space of one year, and no longer; and the Treasurer and Receiver General of this Commonwealth, is hereby directed to pay the warrants, that are, or may be drawn on him by the Governor, for the time being, with advice and consent of Council, for one year’s salary of the said Justices, from the monies he may receive in consequence of the said act.

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